In the Matter Of:

IN RE DETECTIVE DAVID MARCH

DETECTIVE DAVID MARCH April 27, 2016



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04/27/2016 MARCH DETECTIVE DAVID IN RE DETECTIVE DAVID MARCH

1	CITY OF CHICAGO
2	OFFICE OF INSPECTOR GENERAL
3	
4	-INTERVIEW OF DETECTIVE DAVID MARCH-
5	April 27, 2016
6	
7	
8	VOLUME II
9	
10	
11	TRANSCRIPT OF INTERVIEW of DETECTIVE DAVID
12	MARCH, taken before MICHELLE M. YOHLER, a Notary
13	Public within and for the County of Cook, State
14	of Illinois, and a Certified Shorthand Reporter
15	of said state, CSR No. 84-4531, at Suite 800,
16	300 West Adams Street, Chicago, Illinois, on the
17	27th day of April, 2016 at 1:10 p.m.
18	
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21	
22	
23	
24	

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1
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 2
 3
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           CITY OF CHICAGO
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                Appeared on behalf of
12
                Detective David March.
13
14
15
16
17
18
19
20
21
22
                         REPORTED BY:
23
          MICHELLE M. PAOLETTI YOHLER, CSR, RPR, CRR
24
                  Illinois CSR No. 84-4531.
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1
          MR. NEUMER: As a preliminary matter, I am
 2
     providing the following information. An
 3
     independent certified court reporter is present
     today to provide a verbatim transcript of this
     interview.
 5
                To aid in the accuracy of the
 6
     transcript, it is the custom and practice of
 7
     court reporters to audio record the interview.
 8
 9
     The recording is the confidential work product
10
    property of the court reporter and will not be
11
     provided to any party including the OIG. If you
12
     request, the audio recording will be
     discontinued.
13
                Detective March, are you okay with
14
15
     our court reporter audio recording this
     interview?
16
          THE WITNESS: With the same understanding
17
18
    we had yesterday.
          MR. McKAY: It's only being used by the
19
20
     court reporter and will not be shared with
     either side.
21
22
          MR. NEUMER: Exactly.
          MR. McKAY: Correct?
23
2.4
          MR. NEUMER: Correct.
```

```
1
                Let the record reflect today's date
 2
     is April 27th. The time is 1:11 p.m. We are
 3
     located at 300 West Adams, Suite 800.
                My name is Peter Neumer, N-e-u-m-e-r,
     the court reporter is Michelle Yohler, and I'd
 5
     ask that the other individuals present identify
 6
     themselves and spell their names for the record.
 7
          MR. BROWN: Kristopher Brown, B-r-o-w-n,
 8
 9
     City of Chicago, Office of Inspector General.
10
          MR. McKAY: James P. McKay, Jr., Attorney
     at Law representing Detective David March.
11
          THE WITNESS: Detective David March,
12
     M-a-r-c-h, Star No. 20563, Chicago Police
13
     Department.
14
          MR. NEUMER: There are no other individuals
15
     present. We are here today pursuant to an
16
17
     investigation being conducted under Chapter 2-56
     of the Municipal Code of the City of Chicago.
18
    We're here for an interview of Detective David
19
20
     March.
                Detective March, would you please
21
     raise your right hand.
22
                (WHEREUPON, the witness was duly sworn.)
23
          MR. NEUMER: As this is a continuation of
2.4
```

```
1
     an interview that was begun yesterday, April 26,
 2
     2016, Counsel, I believe it's fair to say you've
 3
     agreed to waive a second reading of the
     Advisements of Rights that I read to
     Detective March yesterday and which
 5
     Detective March signed; is that fair?
 6
          MR. McKAY: That is fair.
 7
                It should be noted for the record
 8
 9
     that since this is a continuation of the
10
     interview that began yesterday, the statements
     that Detective March provides today are still
11
     the result of a direct order given to him by
12
     Commander Klimas.
13
                He is not waiving any of his rights
14
     that he indicated yesterday regarding his
15
16
     request that you advise him of his rights
17
    pursuant to Miranda versus Arizona because
18
     criminal charges could be probable in this
     particular case.
19
20
                In addition, he's not waiving any of
    his rights pursuant to Garrity versus
21
    New Jersey. He is giving the statement not
22
     voluntarily but rather under duress and being
23
     compelled to and is only answering the questions
2.4
```

```
1
     as a result of the direct order given to him by
 2
     Commander Klimas.
 3
                In addition to all the other
     objections that were made yesterday, I would
 4
     also like to supplement the record with the
 5
     Illinois statute that pertains to the manner in
 6
     which interrogation is to take place.
 7
     several references yesterday that we object to
 8
 9
     the lack of identification of any accusers in
10
     this matter. Detective March has a right to
11
     confront his accusers.
                We firmly believe that the letter by
12
     John Escalante which references a memo by
13
     Sergeant Soria is not the sole source of any
14
     allegations being made against Detective March.
15
                We firmly believe there are other
16
17
     individuals that the Inspector General is
     relying on and perhaps even interviewed, none of
18
     which of those statements, if they exist, were
19
20
     ever tendered to us.
                And pursuant to Illinois law,
21
     specifically Chapter 50, ILCS 725/3.2 Illinois
22
     law clearly states that no officer shall be
23
2.4
     subjected to interrogation without first being
```

```
informed in writing of the nature of the
 1
 2
     investigation. If an administrative proceeding
 3
     is instituted, the officer shall be informed
     beforehand of the names of all complainants.
     Information shall be sufficient as to reasonably
 5
     apprise the officer of the nature of the
 6
     allegation.
 7
                I believe the nature of the
 8
 9
     investigation has been clear, but the names of
10
     all the complainants have not been provided to
     Detective March. This is a violation of this
11
     particular Illinois law.
12
                In addition to that, we believe that
13
     these proceedings are in violation of
14
15
     Detective March's rights for due process and his
     rights guaranteed by Illinois law, specifically
16
     Chapter 50 ILCS Section 725/3.8. This section
17
     clearly states that no officer shall be
18
     interrogated without first being advised in
19
20
     writing that admissions made in the course of
     interrogation may be used as evidence of
21
     misconduct or as of the basis for charges
22
     seeking suspension, removal, or discharge and
23
     without first being advised in writing that he
2.4
```

```
1
     or she has the right to counsel of his or her
 2
     choosing who may be present to advise him or her
 3
     at any stage in the interrogation.
                No complaint by Detective March
     regarding Subsection A, which I just read, that
 5
     clearly has been done. However, Subsection B of
 6
     this section of is this statute states, "Anyone
 7
     filing a complaint against a sworn peace officer
 8
 9
     must have the complaint supported by a sworn
10
     affidavit. Any complaint having been supported
     by a sworn affidavit and having been found in
11
     total or in part to contain knowingly false
12
     material information shall be presented to the
13
     appropriate State's Attorney for determination
14
15
     of prosecution."
                I believe that there are other
16
17
     individuals -- maybe one, perhaps more -- who
     are complainants in this particular case that
18
     the Inspector General has not identified. I
19
20
     firmly believe, as does Detective March, that
     these complainants are not sworn officers and,
21
22
     as such, pursuant to the statute, they are
     required by Illinois law to file an affidavit.
23
2.4
                We asked several times yesterday to
```

1 provide us with the affidavits of these people 2 if they exist. At one point, Mr. Neumer -- and 3 correct me if I'm wrong -- when I was asking for this information, you indicated that these people or a person has -- or is entitled to some 5 type of confidentiality. 6 Perhaps that was a slip on your part, 7 I don't know, but it does raise a suspicion in 8 9 my mind, sir, that there are other individuals, 10 whether it's Craig Futterman, whether it's Jamie Kalven, whether it's some civilian out there 11 that is complaining about Detective March 12 specifically and the conduct of the police 13 officers in this case generally. As such, 14 Illinois mandates that Detective March be given 15 affidavits of these unnamed people. 16 17 You have refused, Mr. Neumer, the Inspector General's Office has, by the both of 18 you gentlemen. I accuse you two of nothing. I 19 20 am not making any complaints specifically against you or your professionalism, but I 21 believe there is more to this than simply John 22 Escalante's letter. 23 And this man is entitled to a fair 2.4

1 and impartial and independent hearing, and he's 2 entitled to confront his accusers and be given 3 clear notice of what these individuals are stating, and they must be sworn statements, and none of that has been provided. 5 And if it does come to light that the 6 Inspector General does have individuals who can 7 be deemed complainants and did either not 8 9 provide affidavits or did provide affidavits 10 that have not been furnished, the entire process that we are undergoing yesterday and today is a 11 violation of Illinois law and a violation of 12 Detective March's due process rights. 13 With that said, Mr. Neumer, it's --14 the questioning is yours. 15 16 THE WITNESS: Can I have a quick moment? 17 MR. McKAY: Yes. MR. NEUMER: I want to respond briefly. 18 You made reference to my mention of the duty of 19 20 confidentiality yesterday, and I don't know exactly how the transcript reads, but what I 21 intended to say is that, beyond the information 22 we are required to provide to counsel, to 23 Detective March by the CBA, I cannot provide you 24

```
1
     any additional information about our
 2
     investigation because of our duty of
 3
     confidentiality.
          MR. McKAY: Could you be more specific?
          MR. NEUMER: I mean, we are required to
    provide you certain information under the CBA.
 6
    We fully complied with the CBA.
 7
                Beyond the information that we are
 8
9
     required to provide to you under the CBA, we
10
     cannot provide -- that's what I meant to say as
    a general statement.
11
                I was not trying to make any specific
12
    comments about any individual who we may or may
13
    not have spoken to during this investigation or
14
     really -- I'm making not even a comment about
15
     this investigation in general but rather our
16
17
     investigations in general, that there is a duty
    of confidentiality that applies to the OIG and
18
    that we, beyond the information in any case that
19
20
    we supply pursuant to the CBA, we are not
    allowed to provide additional information
21
     regarding our investigation.
22
          MR. McKAY: Can you just answer this: Do
23
    you have or do you know of any person who is not
24
```

1 a sworn police officer who has provided 2 information to the Office of Inspector General 3 that specifically or in general terms alleges Detective March made false statements in any police reports he drafted; failed to draft 5 truthful, complete, and objective reports in 6 this case; failed to complete a thorough, 7 properly documented, and professional 8 9 investigation; engaged in witness tampering by 10 showing witnesses to the McDonald shooting a video; obstructed justice by failing to conduct 11 a complete, thorough, and properly documented 12 and professional investigation; and falsely 13 stated in Case Reports, Evidence Submission 14 Forms, Major Incident Notification Detail Form, 15 16 and General Progress Reports. 17 If you have any information regarding any of these people who are non-sworn police 18 officers, we ask that you identify them now, and 19 20 we ask that you provide with us now affidavits signed and sworn to by these people. 21 22 MR. NEUMER: In response to your question, I will note that OIG has provided 23 2.4 Detective March with all documents, all

```
1
     information required by the CBA.
 2
          MR. McKAY: Thank you. I would submit that
 3
     is a non-answer to my question.
          THE WITNESS: I just would like to
     clarify -- Jim, you might be able to tell me --
 5
     that new statute that you just cited and your
 6
     question about any complainants making
 7
     allegations, the affidavit requirement would
 8
 9
     apply not just to other civilians making an
10
     allegation but any person within the Office of
11
     Inspector General, correct?
          MR. McKAY: Absolutely. And when it
12
     applies, it applies to everybody who's not a
13
     police officer sworn to be a police officer in
14
15
     the State of Illinois.
                So that would apply to a civilian, it
16
17
     would apply to a lawyer, it would apply to
18
     somebody -- an employee of the Inspector
     General's Office, it would apply to me, it would
19
20
     apply to the court reporter, it would apply to
     anybody who is not a sworn police officer.
21
                In this case, the Inspector General
22
     has only identified Detective March of the
23
     complainant being John Escalante and Sergeant
2.4
```

```
1
     Soria, both of whom were sworn police officers
 2
     at the time the complaint was made.
 3
                I have nothing further to add at this
    point, Mr. Neumer.
 4
          MR. NEUMER: Okay.
 5
          MR. McKAY: Thank you.
 6
          MR. BROWN: Did you still want to go off
 7
     the record?
 8
 9
          THE WITNESS: No, I'm fine. We covered it.
10
    BY MR. NEUMER:
11
          Q.
                When we paused the interview
12
     yesterday evening, we were going through certain
    videos of the McDonald shooting. I believe we
13
    had -- correct me if I'm wrong -- fully gone
14
15
     through the 813 Robert dash cam video?
                Right. I just had a -- we kind of
16
17
     wrapped up in that -- at that point, and I just
     wanted to add -- make a couple of additional
18
     comments on that particular video.
19
20
          MR. BROWN: Do you want me to go back?
          THE WITNESS: If you don't mind.
21
22
          MR. McKAY: Thank you.
          THE WITNESS: And just the same point where
23
24
     we began yesterday.
```

1 MR. BROWN: When he comes down Pulaski? 2 THE WITNESS: Yeah, right after they pull 3 out of the Burger King parking lot. MR. NEUMER: And, again, Kris is going to pull up a VLC media file titled video ts.ifo. 5 And this was a video that was 6 recovered from in-car video system of the 7 813 Robert vehicle and included on the DVD that 8 9 OIG provided to Detective March on April 7th, 10 2016. Again, this video has a time bar that 11 is visible at the bottom as well as a time stamp 12 on the video, embedded in the video that is 13 visible intermittently. 14 So we are going to advance the video 15 to -- let's stop it there. And this is at 4:26 16 17 on the time bar visible on the VLC media player 18 software. BY MR. NEUMER: 19 20 0. And we'll start the video, and, Detective March, whatever comments you'd like to 21 22 make? If you play it forward, I'll tell you 23 when I would like you to stop it. It's going to 24

```
1
     be pretty soon here because, first of all, I
     want to do an overall comment.
 2
 3
                    (VIDEO BEING PLAYED)
     BY MR. NEUMER:
                We're stopping at 4:29 on the time
 5
          Q.
 6
     bar.
 7
                Just to do this as an overall setup
     here, we're looking -- we're in the left
 8
 9
     southbound lane. It looks like the 813 Robert
10
     is in the left southbound lane facing south on
     Pulaski Road. The Burger King restaurant would
11
     be to our right.
12
                We see Laquan McDonald. It looks
13
     like he's just about in the middle of the
14
15
     intersection, the T-intersection of 41st Street
16
     and Pulaski. Ahead of him is the police
17
     vehicle, Beat 822, and in the northbound lanes
     traveling southbound, we see Walsh and
18
    Van Dyke's police vehicle.
19
20
                Now, I'd like to just point out
     McDonald is in the center of the intersection at
21
     that point which, at different times is either
22
     the median or the left-turn lane, depending on
23
24
     where we're at, but we're basically in the
```

1 middle of the street. 2 But before that he ran or walked at 3 different times in a southeasterly direction across Pulaski. Now it appears, and it's going to appear when we restart the video, that he's 5 traveling pretty much southbound. Then he's 6 going to go a little bit to the southwest and 7 he's going to cross this left southbound lane. 8 When he gets to the hash mark that 9 10 separates the two southbound lanes just before Jason Van Dyke fires his handgun, if you watch 11 Laquan McDonald's feet, the last step or two 12 before he is shot, instead of continuing in his 13 diagonal path across the line -- across the 14 traffic lane, you're going to see his steps 15 almost go right along this hash mark separating 16 17 the two traffic lanes, which indicates, in my opinion, a definite, clear, change of direction. 18 He no longer was going southwest; he was going 19 20 straight south, as the hash mark on the street was going. 21 In addition, we're going to see -- a 22 number of the questions regarded my observation 23 in my report that the video was viewed and found 2.4

1 to be consistent with the statements of all the witness. 2 3 A number of the witnesses said that Laquan McDonald turned to his left, faced the 4 officers, and began to bring his right arm 5 holding the knife up towards the officers 6 pointing the knife at the officers. 7 And I was asked several times, 8 9 depending on what officer we're talking about, 10 show me in the video where this happened. And I showed in the video, we said stop, and it's 11 already in the record that I said he turned to 12 his -- at the time when he takes those steps 13 along the hash mark, he turned his body to the 14 left, squared his shoulders towards the 15 officers, and I pointed out where I felt that 16 17 he -- the video showed he began to raise his right arm with the knife pointing it towards the 18 officers. 19 20 In addition to that, again, my investigation didn't just rely on interviews 21 that I conducted that night. I didn't just take 22 the officer's word at face value and say, oh, 23 everything they're telling me is the truth. 24

1 Just as any witness I interview I don't just accept everything they say. I take their 2 3 statements in addition to the other evidence and information that I gathered during my investigation. 5 One of those pieces of evidence or 6 information that I gathered during the course of 7 the investigation was the Medical Examiner's 8 9 postmortem -- report of postmortem examination 10 or autopsy report. In that report there is a very 11 detailed listing of each of the injuries that 12 was sustained by Laquan McDonald. 13 I would submit, in looking and reviewing that report, 14 that if you look at the video, right after 15 Laquan McDonald is shot -- or Jason Van Dyke 16 17 begins firing his handgun, let's say, Laguan 18 McDonald turns to his right, kind of spins, and then goes down in the street. 19 20 I submit that that action of him spinning to his right was not voluntary. He 21 didn't decide to do some kind of dance move and 22 spin in the street. What spun him around in the 23 street and caused his body to turn from left to 2.4

```
1
     right and then subsequently go down to the
 2
     pavement was him being shot by Officer Van Dyke.
 3
                If you look at the injuries on the
     Medical Examiner's report, I would submit that
 4
     there's only one gunshot wound, and that would
 5
     be -- I think it's designated in the Medical
 6
     Examiner's Report as gunshot wound number four.
 7
          MR. McKAY: We would like this marked as
 8
 9
     Detective Dave March Exhibit 1 for the record.
10
     I've provided you a copy for yourselves.
     original I ask be kept by the court reporter.
11
                (WHEREUPON, a certain document was marked
12
                D. March Exhibit No. 1, for
13
                identification, as of 04/27/2016.)
14
15
     BY THE WITNESS:
                It's gunshot wound number four on
16
17
     Page 4 of the Medical Examiner's Report. And if
     you go down to the last paragraph or last line
18
    of that section, the Medical Examiner's Report
19
20
     reads the direction is front to back, left to
     right, and slightly downward. Also, that --
21
     there is no exit wound on that injury. The
22
     bullet was recovered.
23
                So it's, what we call, a lodged
2.4
```

1 gunshot wound. And this is significant for a number of reasons. Number one, he spun to the 2 3 right. That would indicate more likely than not he was struck by gunfire somewhere on the right side of his body and the energy from the bullet 5 or bullets caused him to spin to his right. 6 And I would submit in reviewing all 7 16 gunshot wounds that it's this gunshot wound 8 9 to the right side of the chest that caused that 10 for a number of reasons: Number one, in reviewing all the gunshot wounds, I don't see 11 any other injury that would be consistent with 12 spinning the body to the right. 13 Number two, this particular bullet, 14 when it struck him, did not exit. There's no 15 exit wound. It, in fact, struck a rib and broke 16 17 the rib and became lodged in the body. That means that all of the energy from that bullet 18 was transferred from the bullet into his body. 19 20 A bullet that goes through the body does not transfer all its energy into the body. 21 A good deal of the energy continues on with the 22 bullet as it exits the body. 23 So all of the energy from this 2.4

```
1
     particular round was transferred from the moving
     bullet to the body, and that's, like I said, I
 2
 3
     would submit that that is what caused him to
     turn or spin to the right and then subsequently
     go down to the pavement.
 5
                There is another qunshot wound,
 6
     gunshot wound number three, just before that.
 7
     Now, that is a through-and-through wound, but
 8
 9
     that is also a chest wound, okay? And, again, I
10
     would submit that the only way you would get --
     that Jason Van Dyke would shoot Laquan McDonald
11
     in the chest, it would be necessary for Laquan
12
     McDonald to be facing Jason Van Dyke.
13
                So I would submit that that's
14
     additional evidence that the video and the
15
     officers' statements are all consistent with
16
     Laguan McDonald turning towards the officers
17
     because he wouldn't have been shot in the chest
18
     if he had -- he had to be -- for those two
19
20
     injuries to be sustained, his chest had to be
     facing the officers.
21
22
                And I would submit that we can say at
     least one of those gunshot wounds, number four,
23
2.4
     is one of the first rounds that hit him, and I
```

24

ο.

1 submit that's the actual round that caused him 2 to begin to spin --3 Q. Are you ---- because no other round was in a location that it would be likely to spin his 5 body to the right. 6 7 ο. So you're saying that in Detective March Exhibit 1 on Page 4, gunshot 8 9 wound of the right chest, number four, that is 10 the gunshot that you were submitting was -- that 11 spun Laquan McDonald around? I would say -- in my opinion, it 12 would seem apparent to me that of the 16 gunshot 13 wounds, that would be the injury that was most 14 likely the cause of his spinning to the right; 15 and, therefore, that would indicate that that 16 was one of the first qunshot wounds that he 17 18 received. He didn't receive it while he was 19 20 spinning. And if that's the truth, then his chest, in order to sustain that wound, his chest 21 had to be facing Van Dyke, which means he had to 22 turn towards Van Dyke to receive that injury. 23

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You mentioned gunshot wound number

1 three on Page 3 of Detective March Exhibit 1. 2 Α. Correct. 3 0. It was a little unclear to me what you were suggesting or what you were trying 4 5 to --All I was suggesting is that is 6 another injury -- the entrance wound is to the 7 chest, which would, again, indicate that his 8 9 chest was facing toward Van Dyke. That could 10 also be one of the first rounds to hit him. I don't -- the medical examiner can't tell us a 11 chronology of what hit him first, second, 12 third --13 14 Q. Right. -- but I would say based on officers' 15 statements, the video, and the nature of these 16 17 injuries that it's more likely than not that 18 those two bullet wounds were some of the first 19 bullet wounds to strike him, if not the first. 20 And that gunshot wound number four is more likely than not the injury that caused him to 21 begin spinning, which means it had to be one of 22 the first rounds that hit him. 23 24 ο. Do you think that McDonald was shot

twice before he was on the ground? In the chest, do you think he was shot --

A. I have no idea how many times he was shot before he got on the ground versus when he got on the ground. All I can say is that it's more likely that those two injuries were -- and, again, I'm making conclusions here, but I'm not basing it on just some wild theory. All of the information that I gathered during this case, and, as I said, gunshot wound number four, it seems very apparent to me, is one of the first bullets to hit him because that's what spun him, in my opinion, to the right. So it had to be one of the first rounds to hit him.

Gunshot number three could have been just before that, just after that, I don't know. But it also does indicate -- gunshot number three does also indicate that his chest was facing Officer Van Dyke, which, again, would be consistent with him turning towards his left and turning towards Officer Van Dyke.

Q. You mentioned while we were watching the video or while the video was paused that -- and correct me if I'm -- I certainly don't want

```
1
     to put words in your mouth -- that McDonald was
 2
     going at some point southbound on Pulaski, at
 3
     some point he was going southwest on Pulaski,
     and then at some point he was going southbound
 4
     again on Pulaski; is that fair to say?
 5
          Α.
                Correct.
 6
 7
          ο.
                Okay.
                And, in general, I would just like
 8
 9
     to -- again, just to be clear, in general, his
10
    path of travel from Burger King to where he fell
     to the ground was southbound, at times
11
     southeast, at sometimes south, at times
12
     southwest, but in general southbound.
13
                And I thought -- it might be helpful
14
     for you to identify the times where he's
15
16
     traveling southbound, the times he's traveling
17
     southwestbound and then southbound. So if we
18
     can --
          MR. McKAY: Can we play the video?
19
20
     BY MR. NEUMER:
                So we'll play --
21
          Q.
22
                Can we agree that at this point we're
     at now, 4:29, he's in the middle of the street
23
24
     and he's going to continue in basically a
```

1 southbound direction? 2 So that's what -- we're going to 3 start the video at 4:29 on the VLC media player software time bar. There's no time stamp -- no 4 embedded time stamp visible. 5 And then I'll just ask you to tell us 6 when he -- I think your statement would be that 7 he's going southbound as this video begins? 8 9 Α. When we begin, he's going 10 southbound --11 Q. So what I -- ---- and I'll say stop when he changes 12 direction. 13 14 Q. Perfect. (VIDEO BEING PLAYED) 15 BY THE WITNESS: 16 17 Now he's beginning. BY MR. NEUMER: 18 19 Stop. So we're now at 4:38 on the Q. 20 software time bar, and the time stamp reads 9:58:28 p.m. And so he's now changed 21 directions; is that fair to say? 22 Α. We saw from where we started the 23 video, he pretty much went in a straight 24

```
1
     southbound direction. He was traveling -- if
 2
     you look at the yellow stripes painted to
 3
     designate the median of the pavement, he was
     traveling on the eastbound side of those -- of
     that median designation. And at the time right
 5
     now he's taken -- he's already begun to take a
 6
     step or two in a more southwesterly direction.
 7
                Okay. And so what we'll do is, I
 8
          Q.
 9
    want you -- we're going to start the video in
10
     just a moment, and then I want you to tell me
11
    when McDonald stops moving in a southwesterly
12
     direction, okay?
13
          Α.
                Okay.
                    (VIDEO BEING PLAYED)
14
     BY THE WITNESS:
15
                Stop --
16
          Α.
     BY MR. NEUMER:
17
18
                We'll back -- we'll try it again --
                Just to give you -- to help you know
19
20
     when to stop, when he reaches the south end of
     this particular stripe, I believe that that's
21
     when he begins to turn.
22
          MR. BROWN: And I pressed it, but --
23
          THE WITNESS: I know, technology is what it
24
```

```
1
     is.
 2
    BY MR. NEUMER:
 3
                We've reviewed this video, and
     sometimes it doesn't stop and start as well as
 4
     you'd like.
 5
                I'll tell you what, we'll just do it
 6
     again, and Kris is sort of on notice, but we're
 7
     going to wait for you to say stop. So we'll
 8
 9
     back it up a few seconds and we'll -- when was
10
     the last time we stopped the video?
                Can you stop it for a second right
11
          Α.
     now? Not that I'm an expert, but the video
12
    you're playing, is it playing off of a disk or
13
     off the hard drive?
14
          MR. BROWN: Off a disk.
15
          THE WITNESS: A video played off the disk
16
17
     will be more choppy like this; whereas, if you
     copy it from the disk onto your desktop and then
18
     play it off the desktop so that it's actually
19
20
     coming not from the disk but from the computer's
     hard drive --
21
22
          MR. BROWN: It will run quicker?
          THE WITNESS: It runs more smoothly. Just
23
24
     for a point of reference for the future.
```

```
1
          MR. BROWN: If we want, I can do it right
 2
     now.
 3
          THE WITNESS: I don't think it's that
     important right now --
 4
          MR. NEUMER: I think it's okay, but
 5
     we'll --
 6
          THE WITNESS: Yeah, it was just --
 7
          MR. NEUMER: -- understanding we're getting
 8
 9
     a buffer --
10
          THE WITNESS: -- not a tech guy, but
     somebody in our office that is explained it to
11
12
     me recently.
          MR. BROWN: It does make sense. That's a
13
     good point.
14
15
          MR. NEUMER: We'll make sure we get an
16
    accurate stoppage time. I guess we have a
     capability of going half speed. Would that
17
18
     help?
19
          THE WITNESS: I don't know if that would
20
     help.
          MR. BROWN: It would make it more --
21
          THE WITNESS: Exactly. Sometimes it can
22
     make it more difficult depending on what you're
23
24
     looking for.
```

```
1
     BY MR. NEUMER:
 2
          Q.
                So we'll play it again and --
 3
          Α.
                I'll say stop and hopefully it will
     stop when we want it to.
          MR. NEUMER: So did you note when we had
 5
 6
     stopped it last?
                 (WHEREUPON, the record was
 7
                read by the reporter.)
 8
 9
     BY MR. NEUMER:
10
          Q.
                So we'll go to 4:38 and start from
11
     there because, again, what's really important
12
     is --
                The next change.
13
          Α.
                Exactly. So we'll start it and
14
          O.
15
     then...
                     (VIDEO BEING PLAYED)
16
17
     BY THE WITNESS:
                Stop.
18
          Α.
19
     BY MR. NEUMER:
20
          0.
                So we're at 4:45 on the time bar.
     is it fair to say that from 4:38 on the time bar
21
22
     to 4:45 on the software time bar, Laquan
23
     McDonald was walking in a southwest direction?
24
          Α.
                Yes.
```

1	Q. And then
2	A. But I would also like to point out
3	that the distance between McDonald and Van Dyke
4	was still decreasing.
5	Q. And so and now at 4:45, from your
6	perspective 4:45 of the time bar, what's
7	happening?
8	A. He has just changed direction. If
9	you look, he's almost you know, squared his
10	body straight southbound, he's practically
11	standing right on the hash mark separating the
12	two lanes.
13	And his next step is going to be no
14	longer he's not going to continue in the
15	southwesterly direction to begin to cross over
16	that next traffic lane; he's actually his
17	next step is going to be right along that hash
18	mark, straight southbound.
19	And then he's going to turn his body,
20	he's going to turn to the left, and then that's
21	when Jason Van Dyke opened fire.
22	Q. Should we roll the video?
23	A. I think it doesn't hurt to verify.
24	Q. We'll play the video.

1 (VIDEO BEING PLAYED) 2 BY MR. NEUMER: 3 0. Any other comments on the 813 Robert video? 4 No, I believe that covers it all. We will now pull up a portion of the 6 Dunkin' Donuts security camera video. Kris is 7 going to open a file titled clip_1.avi. 8 9 There is not going to be an embedded 10 time stamp on that video. There is, again, a 11 software time bar that's visible at the bottom 12 of the video we're watching. MR. McKAY: Can I ask, Peter, the two 13 14 videos, the one we just watched from 813R and this video, the Dunkin' Donuts video, are you, 15 for the purposes of the record, marking them as 16 17 exhibits? Are they going to be made part of this official record in addition to these other 18 exhibits, the documentary exhibits? 19 20 I ask that you do. I ask that the video that you are asking Detective March 21 questions about -- and rightfully so -- be made 22 part of the record, both of these videos and 23 even more videos if you intend to use them. 24

1	If you recall last night, we had
2	requested that the 813R video be played during
3	your questioning of Detective March, and both of
4	you were kind enough to allow this. As such,
5	Detective March's testimony at this point really
6	can be taken out of context unless viewed along
7	with the video.
8	The, for lack of the better word, the
9	viewer can understand what is being seen on the
10	video in conjunction with what Detective March
11	is saying under oath.
12	MR. NEUMER: I think that's fair, and we'll
13	work with the court reporter to figure out the
14	best way to include those videos as exhibits.
15	MR. McKAY: Do you want to number them now?
16	The last thing I had was Exhibit 14 was being
17	used.
18	MR. NEUMER: I think there was a 15. So I
19	think if we're going in order, the 813 Robert
20	dash cam video will be Exhibit 16.
21	(WHEREUPON, a certain document was marked
22	OIG Exhibit No. 16, for identification,
23	as of 04/27/2016.)
24	MR. McKAY: Thank you.

```
1
          MR. NEUMER: And the Dunkin' Donuts
 2
     security camera footage will be Exhibit 17.
 3
                (WHEREUPON, a certain document was marked
                OIG Exhibit No. 17, for identification,
                as of 04/27/2016.)
 5
    BY THE WITNESS:
 6
                I don't know how you want to handle
 7
     this. I know your -- you want what's important
 8
 9
     to you, you want to document the times.
10
     Obviously I've seen these videos many times.
                What we're going to look at here,
11
     we're looking at Dunkin' Donuts video. It's
12
     looking westbound from the Dunkin' Donuts
13
     building. You can see the Dunkin' Donuts
14
     parking lot and driveway in the foreground, and
15
     then after that is Pulaski Road.
16
17
                What we end up seeing in this video
     is, you see -- you can see the police vehicle is
18
     there already. You see the police vehicle of
19
20
     Officers Walsh and Van Dyke pull up. You're
     going to see Officer Walsh, the door is
21
     already -- it looks like maybe the door is
22
     already starting to open here.
23
                You're going to see Officer Walsh
2.4
```

1 exit the driver's door. You're going to see 2 Officer Van Dyke come to the rear of the vehicle 3 from the passenger side or right side of the vehicle. Both officers are going to be standing here. 5 You're going to see Laguan McDonald 6 come into the picture from the right, move to 7 the left, and then you're going to see all three 8 9 subjects move from right to left, and that's the 10 movement that I think, I believe is consistent with the officers' -- when the officers say they 11 backpedaled, again attempting to maintain 12 distance between themselves and Van Dyke. 13 14 **Q.** Okay. So if you want to tell me what you 15 want to note, and I'll tell you when to stop the 16 17 video. And so, for the record, we are at 18 19 27:24 on the software time bar. 20 Α. And the vehicle has already appeared. And that's our 845 Robert vehicle, 21 Q. correct? 22 Correct. 23 Α. 24 0. Is visible on the Dunkin' Donuts

```
1
     video. It is facing southbound on Pulaski.
 2
                So to provide a little context here,
 3
     we were -- last night there was a line of
 4
     questioning where we were going through -- and
 5
    maybe we can put this in front of you if it
     helps -- Jason Van Dyke's and Officer Walsh's
 6
 7
     statements in the Exhibit 5 CSR.
 8
                And looking at those, certain
 9
     statements that Officer Van Dyke and
10
     Officer Walsh made in connection with the
     statement in the CSR that the 813 Robert and
11
     845 Robert dash cam videos were consistent with
12
     all the witnesses' accounts -- or the witnesses
13
14
     to the McDonald shooting.
                So -- do we have the Exhibit 5 that
15
16
     we can put in front of --
17
          MR. BROWN: Yes.
                (WHEREUPON, the document was
18
                tendered to the witness.)
19
20
     BY MR. NEUMER:
21
          Q.
                And if you look at pages -- we'll
22
     start on Page 9. And I'm looking at the --
     Page 9 of Exhibit 5 CSR. It's the fourth line
23
24
     down in the last paragraph on Page 9.
```

1 defense of his life, Van Dyke backpedaled and fired his handgun at McDonald to stop the 2 3 attack." I believe the question I asked 4 5 yesterday was whether that statement of Officer Van Dyke's -- I initially asked was that 6 7 consistent with the 813 Robert video, and I believe you stated that you couldn't really see 8 9 on the 813 Robert video that backpedaling but it 10 was visible on the Dunkin' Donuts video; is that 11 fair to say? Correct. He was out of frame on the 12 813 Robert. When he begins shooting, he's in 13 frame, but it looks like, I guess, 813 Robert, 14 the vehicle turned to the right a little bit, 15 and then we still see Laquan McDonald, but we no 16 17 longer see Walsh and Van Dyke. Okay. And so since we couldn't see 18 19 the backpedaling on the 813 Robert video, we're 20 now going to show you the relevant portion of the Dunkin' Donuts video. 21 22 And, again, I'm going to ask you to identify the time when Officer Van Dyke first 23 24 starts backpedaling, and then we'll probably --

1 we'll start there. So, again, happy to run this 2 multiple times so --3 Α. So the first thing you want me to say is stop when they begin to backpedal? 4 Exactly. Let's go one at a time and 5 Q. we'll start with Officer Van Dyke. That's whose 6 statement we're going to focus on right now. 7 why don't we run the video. 8 9 (VIDEO BEING PLAYED) 10 BY THE WITNESS: 11 Α. Stop. BY MR. NEUMER: 12 This is at 27:33 on the time bar. 13 Q. 14 And, Detective March, you see Officer Van Dyke beginning to backpedal --15 Α. Correct. 16 17 0. -- in your perspective? Correct. 18 Α. 19 And then let's start it again, and I Q. 20 want you to tell me when he stops backpedaling; is that fair? 21 22 Α. Okay. We'll try and see -- would it help 23 24 you if we backed up the video and then --

1 Α. Started it again earlier? 2 Q. Started earlier. 3 Α. That's fine. We'll go back a couple -- you 4 5 originally identified 27:33 as the time when Officer Van Dyke starts backpedaling. 6 7 (VIDEO BEING PLAYED) BY MR. NEUMER: 8 9 Q. So what I think we should do -- I 10 think I gave you a bad directive. I no longer 11 want -- you've identified when Officer Van Dyke started his backpedal. 12 I'm now going to play the video for 13 14 you -- and you may have been doing this, but I don't think I was clear, and I don't think the 15 16 record was clear -- I now want you to identify 17 the moment when he stops backpedaling. Does 18 that sound reasonable? 19 So, again, we've identified the time 20 where he starts backpedaling. I'm going to play 21 you that same portion of the video, but I don't 22 want you to say stop when he starts to 23 backpedal. I want you now to go past that 24 portion --

1 Α. Right. 2 -- and identify from your perspective 3 when Officer Van Dyke stops backpedaling. MR. McKAY: I just want to interject an objection here. I don't know if it has been 5 established that he did stop. Now, I could be 6 wrong, and I don't have an objection to the line 7 of this questioning, it just sounded like your 8 9 question assumed a fact that may not be in 10 evidence at this point. MR. NEUMER: Well, I'm just assuming at 11 some point he has to stop backpedaling, right? 12 Like, I mean, like, or else he'd end up in --13 BY THE WITNESS: 14 And, again, I haven't looked at this 15 Α. particular video today, but from what I recall, 16 17 it looks to me like both officers backpedal out of view until they're behind their police 18 19 vehicle. 20 So I don't know that we can establish definitively when they stop because at that 21 point, they're had no longer within view of this 22 camera. 23 BY MR. NEUMER: 2.4

1 Q. Okay. So if there's a point -- I 2 will ask you to stop us when either, from your 3 perspective, Officer Van Dyke has stopped backpedaling or where you can no longer tell 4 what Officer Van Dyke is doing; is that fair? 5 Α. Fair. 6 7 Okay. So, again, we'll back it up to a few seconds. 8 9 (VIDEO BEING PLAYED) 10 BY THE WITNESS: Α. He still is -- I didn't want to tell 11 you when -- I was trying to get the full 12 reference, but if you want to try it one more 13 time, I can tell you when he stops then. 14 (VIDEO BEING PLAYED) 15 BY THE WITNESS: 16 17 Α. Stop. BY MR. NEUMER: 18 19 Q. And this is 27:36. 20 Α. It was Officer Walsh that actually went out of view, but Van Dyke is still there. 21 22 Q. Okay. So 27:36 on the time bar you directed us to stop. So at this point, from 23 24 your perspective, Officer Van Dyke is no longer

1	backpedali	ng?
2	Α.	Correct.
3	Q.	And so it's from 27:33 to 27:36 on
4	the time b	par of the Dunkin' Donuts video from
5	your persp	pective that Officer Van Dyke is
6	backpedali	.ng?
7	А.	Correct.
8	Q.	Let's go to Officer Walsh. So now
9	we're goir	ng to similarly, we're going to play
LO	the video,	and all I want you to do for me is
L1	identify -	- tell Investigator Brown to stop when
L2	you see Of	ficer Walsh backpedal for the first
L3	time.	
L4		(VIDEO BEING PLAYED)
L5	BY THE WIT	TNESS:
L6	А.	Stop.
L7	BY MR. NEU	IMER:
L8	Q.	27:31.
L9	Α.	It might have actually been 30 but
20	Q.	We'll try
21	Α.	It didn't stop right away.
22	Q.	I know. We'll try it again.
23		(VIDEO BEING PLAYED)
24		

1 BY THE WITNESS: 2 Α. Stop. 3 MR. NEUMER: So 27:30 on the time bar is when Detective March has identified Officer Walsh as beginning to backpedal. 5 BY MR. NEUMER: 6 Is that correct? 7 ο. Α. 8 Correct. 9 Q. And so now we're going to back up the 10 video again, and I want you to identify for 11 me -- or, actually stop the video -- or tell us 12 to stop the video when, from your perspective, 13 Officer Walsh has either ceased to backpedal or can no longer be viewed. Is that fair? 14 15 Α. Fair. 16 Okay. Q. 17 (VIDEO BEING PLAYED) 18 BY THE WITNESS: 19 Α. Stop. 20 BY MR. NEUMER: 27:33. And why did you tell 21 Q. Investigator Brown to stop the video? For what 22 23 reason? Officer Walsh has gone from right to 24

1 left in the video and is now obscured by the 2 police vehicle, so we can't see him any longer. 3 0. Okay. And as -- okay. So you don't know what Officer Walsh is doing --4 Α. Anymore. -- anymore? Okay. 6 Q. 7 I'd like to play back the video one time and --8 I have one other -- not regarding 9 Α. 10 backpedaling, but I have one other observation on this video, so if you want to resolve 11 whatever issue you want to do now and then I can 12 make my point. But before we leave the video, I 13 have one more observation to make. 14 I'd like to go -- as we play this 15 Q. 16 video, describe for us what direction first 17 Officer Van Dyke is moving, or directions, prior 18 to the shooting, and then we'll go for 19 Officer Walsh. If you could just say what 20 direction or directions --Well, this video is looking 21 Α. westbound. I don't think from the distance that 22 we are here we can tell about movement east and 23 west. I don't think we can definitively say. I 24

24

1 can tell you that when both officers exit their 2 vehicle, their first movement is from left to 3 right. Left to right on the video screen? On the video. Which would be southbound. Now, I don't know if that's 6 southeast or southwest, but generally southbound 7 on Pulaski. 8 9 Q. Okay. 10 When they begin to backpedal, then they begin to go back in the other direction 11 north -- I'm sorry, I misspoke. When they first 12 exit the vehicle, both officers are moving left 13 to right in the video, which is northbound on 14 15 Pulaski Road. When both officers, at whatever time 16 17 they began backpedaling, when they're backpedaling, they are now moving from right to 18 19 left in the video, which would be southbound on 20 Pulaski Road. But you're saying it is difficult to 21 Q. determine based on the Dunkin' Donuts video 22 their east and westward movement? 23

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Well, what I'm saying is there --

1 there's definite movement left to right. Now, was that -- if that movement was straight 2 3 northbound, straight southbound or southeast, southwest, northeast, northwest, on an angle, I don't know that we can definitively say. 5 Based on the Dunkin' Donuts --6 Q. On the Dunkin' Donuts video. 7 Okay. Got it. 8 Q. 9 What was your comment? 10 Α. My one other observation -- and, again, this is based on the fact that comments 11 that have been made regarding this incident, 12 that the other officers didn't see any reason to 13 fire their weapons so it must have been wrong 14 for Officer Van Dyke to fire his weapon. 15 Officer Walsh, in his statement to 16 17 me, stated that he believed the same things that Jason Van Dyke did, that Laquan McDonald was --18 had turned towards them, was raising the knife, 19 20 and was, in fact -- from his perspective was attacking them. 21 Walsh stated to me he did not fire 22 his weapon because Van Dyke was somewhat ahead 23 of him and therefore in the line of fire between 2.4

1 Officer Walsh and Laquan McDonald. And I think this video does show that. 2 3 We know that from east to west, Officer Walsh exits the driver's side of the 4 vehicle. That was east. Officer Van Dyke exits 5 the passenger side or right side of the vehicle, 6 that was in -- he's further west. As they both 7 move to the back of the vehicle northbound, 8 9 again, Walsh is to the east, Van Dyke is to the 10 west. When they begin to backpedal -- and I 11 think you can kind of tell that in this video --12 Walsh backpedals farther, and that's why he ends 13 up obstructed by the police vehicle. 14 he backpedals, he actually backpedals behind 15 Van Dyke. 16 17 So, again, that shows the credibility of his statement that he was somewhat behind 18 Van Dyke, and, therefore, it addresses the 19 20 line-of-fire issue just, again, going to the truthfulness of the officers' statements. 21 22 Q. Let me ask you, what's your definition of the word "backpedal"? 23 2.4 I would say if you're going in one

1	direction or facing one direction and you
2	backpedal, you're going in the opposite
3	direction. As I said, initially the officers
4	are you can see in this video, they move from
5	left to right, and then they move from right to
6	left back.
7	Now, I don't know were those steps
8	straight back, were they lateral steps, I don't
9	know, but it's clear in this video when they
10	first exit their vehicle, they move in one
11	direction from left to right, and then at some
12	point they as not at some point, when
13	McDonald enters the video, that's when they
14	begin to move back from right to left in the
15	other direction.
16	Q. Do you see any indication in the
17	video that they are following McDonald?
18	A. I think their movement is definitely
19	dependent on McDonald because they're trying to
20	maintain their position relative to McDonald.
21	Q. Do you think it's fair to say they
22	were tracking McDonald?
23	A. I think what the officers said to
24	me was something along the lines that they were

1 trying to maintain distance because he had a 2 deadly weapon. They didn't want to get too 3 close to him. Is that consistent with what you've seen today on the Dunkin' Donuts video? 5 I believe it is. 6 MR. NEUMER: Do you have any follow-up? 7 BY MR. NEUMER: 8 9 Q. Did you ever have any discussions 10 with Lieutenant Wojcik or Sergeant Gallagher 11 about the dash cam videos, 813 Robert, 845 Robert, and the Dunkin' Donuts videos and 12 whether those videos were consistent with the 13 witness accounts? 14 15 Let's go first with Lieutenant 16 Wojcik. Did you ever have any conversations 17 with him about the consistency of the witness 18 accounts and the dash cam videos? Yes, I mean, the three of us were 19 20 kind of working on -- I'm on Gallagher's team, and Wojcik was one of the lieutenants that 21 supervises us, so we were, in effect, working 22 together on the case. 23 2.4 I did not work alone, and so we

1 obviously did discuss the matter. And we 2 discussed what -- you know, they asked for my 3 opinion, I asked them what their opinion was, and we were all in agreement. That the witness accounts were 5 Q. consistent with the videos of the shooting? 6 7 Yes. MR. NEUMER: Kris, do you have any 8 9 questions about the Dunkin' Donuts video? 10 MR. BROWN: I do not. BY MR. NEUMER: 11 I'm going to change gears a little 12 Q. bit. We talked yesterday about some of the 13 detectives that worked on the McDonald 14 15 investigation with you. And I want to hand you an exhibit and see if this refreshes your 16 17 recollection as to which detectives were working 18 on the team with you. And we'll go through 19 that. So this is exhibit -- we'll mark this as 20 Exhibit 18. (WHEREUPON, a certain document was marked 21 22 OIG Exhibit No. 18, for identification, as of 04/27/2016.) 23 24

24

A.

1	BY MR. NEUMER:
2	Q. This is an Original Case Incident
3	Report with the RD Number HX475653. And, in
4	particular, I want you to look at Page 4 of that
5	incident report let me back up and first say,
6	what is a Case Incident Report?
7	A. It's the original basically the
8	original police report created in an incident.
9	Q. And what's its purpose?
LO	A. It depends on the incident. In minor
L1	incidents, this could be the only police report
L2	created. If one person punches another person
L3	and the police arrive and a complaint is signed
L4	and it the offender's charged arrested and
L5	charged with simple battery, this would, more
L6	likely than not, be the only Case Report created
L7	in that case.
L8	There would be an arrest report and
L9	complaints, but the only Case Report to document
20	the incident would be the Original Case Incident
21	Report.
22	Q. And in a case like the McDonald
23	shooting, what's its purpose?

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This would be the report that kind of

```
1
     starts the ball rolling. The police department
     went to a policy in -- again, in the simple
 2
 3
     battery case, this would be the only report, so
     it would have to contain every detail needed.
                In the case of an officer-involved
     shooting, the police department went to a policy
 6
     of this report being used just to kind of
 7
     initiate the investigation, create the RD
 8
 9
    number, fill in the boxes, if you will, as far
10
     as the nature of the incident, the major
     principal people involved, the victims, the
11
     offender.
12
                And then, as it says in this case,
13
     there are no really further details of the
14
     investigation itself. As on the top of Page 4,
15
     this case says to refer to Detective Division,
16
17
     Supplementary Report.
                All of the actual details in the
18
     incident, because on major cases like this,
19
20
     detectives respond to the scene immediately; so
     the follow-up isn't even conducted days later,
21
     it's -- we're there right from the beginning, so
22
     all of the actual details of the investigation
23
     are reported by the detectives.
24
```

1 As opposed to the simply battery 2 case, where there's never going to be a 3 detective assigned, and so the officer involved, whether it be a district or beat officer, whatever, he's responsible for documenting all 5 of the details of the investigation. 6 7 Got you. And so on Page 4 of the incident report, there's a lot of names in the 8 9 narrative section. Is it fair to say that all 10 the people who were named in this -- on this 11 Page 4 in the narrative section were at the 12 scene of the shooting or reported to the scene of the shooting? 13 Well, it depends on -- if you look, 14 they're not strict columns, but there are 15 16 like -- if you look up and down this page, the 17 computer doesn't create nice neat columns, but there are -- the first column, if you will, 18 would be -- I would call it like the role or --19 20 actually, no, the top is not even notifying -the first three lines are -- after the, "Refer 21 to Detective Division Supplementary Report" are 22 the notifications. 23 24 ο. The notifications. Okay.

1	A. Those people, they could be on the
2	scene, they could have subsequently responded to
3	the scene, but those are notifications. That
4	means that person was made aware of this
5	incident.
6	It could be that they were made aware
7	of it because they responded to the scene, or it
8	could be that they were made aware of it by a
9	phone call being made by the beat officer or
10	even possibly in some instances that the beat
11	the officer on the scene goes on the police
12	radio and asks the dispatcher to notify somebody
13	in certain situations.
	in certain situations. But those people are not
14	
14 15	But those people are not
14 15 16	But those people are not necessarily they could be, but they're not
14 15 16 17	But those people are not necessarily they could be, but they're not necessarily present at the scene.
13 14 15 16 17 18	But those people are not necessarily they could be, but they're not necessarily present at the scene. Q. How about all the assisting officers,
14 15 16 17	But those people are not necessarily they could be, but they're not necessarily present at the scene. Q. How about all the assisting officers, should they have all been at the scene?
14 15 16 17 18	But those people are not necessarily they could be, but they're not necessarily present at the scene. Q. How about all the assisting officers, should they have all been at the scene? A. Obviously anybody the reporting
14 15 16 17 18 19	But those people are not necessarily they could be, but they're not necessarily present at the scene. Q. How about all the assisting officers, should they have all been at the scene? A. Obviously anybody the reporting officers, that's the two officers they're
14 15 16 17 18 19 20	But those people are not necessarily they could be, but they're not necessarily present at the scene. Q. How about all the assisting officers, should they have all been at the scene? A. Obviously anybody the reporting officers, that's the two officers they're down here as reporting officers, but Gaffney, I

officer, Officers Gaffney and McElligott are 1 listed as reporting officers. They are not the 2 3 reporting -- Officer Dora Fontaine actually created this report, so I don't know if -- it's a drop-down menu, so maybe in error the wrong 5 selection was made. But obviously Gaffney and 6 McElligott were present on the scene, but their 7 role is a little -- not entirely correct. 8 9 But most of the assisting officers 10 are -- these are people that the beat car saw at the scene, I'm assuming. The supervisor on 11 scene is obviously on the scene. 12 Other support, you know, that's --13 again, that's a drop-down menu on the computer. 14 I don't know for certain that those people are 15 all at the scene, but those are people that the 16 17 beat car, when they're preparing their report, are involved. So there's, you know, a good 18 chance that most of them were probably on the 19 20 scene. Then it looks like we just have some 21 individuals with star numbers with no real 22 categorization? 23 2.4 Yeah, no role really.

1	Q. I mean, we know McNaughton was at the
2	scene, correct?
3	A. Right, I'm going through them myself.
4	I can't say every single one of them, but, you
5	know, I know McNaughton was there, O'Donnell,
6	Walsh. The rest I couldn't tell you for
7	certain.
8	Q. Do you see the team of detectives
9	that you were working with at the scene named in
10	this narrative section on Page 4 of Exhibit 18?
11	A. There are looks like in the other
12	support there are other some detective star
13	numbers, so there I mean, so obviously I know
14	those people are detectives.
15	Q. Who on this list do you recall
16	specifically assisting which that are
17	detectives assisting in the investigation at the
18	scene of the shooting, which of these folks?
19	A. Well, Halloran was there, Murray was
20	there, obviously I was there.
21	Q. Well, let me just spell these names.
22	So Halloran is H-a-l-l-o-r-a-n.
23	So Detective Halloran was at the
24	scene?

1	A. Yes.
2	Q. Okay. And he was assisting in the
3	investigation?
4	A. Yes.
5	Q. Do you recall what tasks he was
6	performing?
7	A. He and Murray are or were partners
8	at that time and on that day, and I believe they
9	helped us in sifting through the officers that
10	were the many officers that were present,
11	helping us identify which officers were the ones
12	that were actually present at the time of this.
13	And they helped us weed out, if you will, the
14	ten officers that we now know were present at
15	the time of the shooting.
16	Q. What other detectives who you know
17	were out at the scene do you see on this list?
18	A. Detective Jones was out at the scene.
19	I believe his main role was he wound up getting
20	a copy of the 911 call and the radio
21	transmissions and kind of doing a rough
22	transcription that was included in the file of
23	those audio recordings.
24	Q. Okay.

1 I don't know that he had any other --2 if he had any other significant involvement at 3 the scene. 4 Q. Okay. Detective Hagen, we spoke about him previously. He was the detective who recovered 6 the video from --7 Q. 8 Burger King. 9 Α. -- all of the sources -- other --10 Q. Oh, he was --11 -- well, not all of the sources --12 -- Dunkin' Donuts, right? Q. He did Dunkin' Donuts, he did Burger 13 Α. King --14 15 Okay. Q. -- I think those may have been the 16 17 only. But he did not do the squad car cameras. 18 Those were done by Sergeant Becvar. 19 Q. So Hagen was responsible for 20 recovering video from Dunkin' Donuts and Burger King? 21 He participated in a canvass for both 22 witnesses and the video. And he did recover 23 video from both Burger King and Dunkin' Donuts. 24

1	Q. Okay. Any other detectives that were
2	assisting you that night?
3	A. The next name under Hagen is Osvaldo
4	Valdez. That's one of our lieutenants at our
5	office. He was present at the scene and
6	Q. What was he doing? What role?
7	A. He was supervising detective
8	supervisor.
9	Q. Okay. Any specific tasks that he was
10	accomplishing that night?
11	A. Well, again, Sergeant Gallagher is my
12	immediate supervisor, and then I have two
13	lieutenants. Sergeant Valdez was there.
14	Subsequently I think Lieutenant Wojcik finally
15	came Lieutenant Valdez was working that
16	night, so he got there sooner. Lieutenant
17	Wojcik came from home, so it took him a little
18	longer to get out there that night, that's all.
19	Q. Okay.
20	A. But they were both out at the scene,
21	but they're just supervising.
22	The one thing I know specifically
23	Lieutenant Valdez requested that the because
24	Laquan McDonald stabbed the right front tire of

1 the police vehicle occupied by Officer Gaffney, 2 in addition to photographing and recovering the 3 wheel with the damaged tire, Lieutenant Valdez made a request that the forensic people actually dust or process the right front quarter panel or 5 fender of the police vehicle to see if there 6 were fingerprints that would assist us in the 7 investigation. I know that was one thing for 8 9 certain that he did. 10 The next name is Eugene Roy. That's the commander of the area. I couldn't tell you, 11 again, what time he arrived. He was coming from 12 home, but he responded to the scene. 13 Do you recall -- what was he doing 14 while he was on scene, do you know? 15 Supervising. 16 Α. 17 And I guess just for -- what in 18 general does supervisory tasks entail? 19 I was very busy that night. I didn't 20 follow any of the supervisors around to document what they were doing. I -- all I can tell you 21 is they were supervising. 22 23 Q. And I only want you to tell us what 24 you know so...

1	Jose Torres, is he a detective, or do
2	you know is that name familiar to you?
3	A. Where is that name?
4	Q. It's assisting officer. It's about
5	in the middle of the narrative section below
6	David Ivankovich and above Anthony Vance?
7	A. I don't recall who that is. That's a
8	police officer star number. The detective star
9	numbers are all in the 20,000 series.
LO	Q. Got you. Okay.
L1	So would Matthew Rickher,
L2	R-i-c-k-h-e-r, be a detective?
L3	A. Where is that?
L4	Q. It's near the bottom above Daniel
L5	Gallagher's name and below David Friel's name.
L6	A. Okay, Detective Rickher drives the
L7	MIRV, M-I-R-V. That's the Major Incident
L8	Response Vehicle that the Detective Division
L9	operates. And that's just a big it looks
20	like an RV.
21	Q. Okay.
22	A. It's marked with the Chicago Police
23	Department markings, and it's got some computers
24	on there that allow us to run you know, if we

1 need to run name checks or license plates in the field. So, you know, he responds -- they 2 3 responded to the scene of major incidents as the name MIRV designates. I don't know that he participated in the actual investigation. He's just more of a 6 support personnel if we need the capabilities of 7 that truck. 8 9 Q. Do you recall any detectives who were 10 assisting you on the night of October 20th, 11 2014, whose names are not listed on this --Α. Yes, because not all of the 12 detectives on the scene check in with the beat 13 officer. These are just whatever names that 14 officer is able to --15 16 Q. Sure. -- like I said, there were a lot 17 police personnel, you know. I note -- in my 18 report I have a list of people. 19 20 This officer, you know, part of his duties were to document who was on the scene. 21 But there's no formal system that everyone's got 22 to check in. So there's no sign-in list, 23 24 there's no computer that we swipe an ID card so

```
1
     we know how many -- exactly who's on the scene.
 2
     We do the best we can.
 3
                This officer documented what
     personnel they were aware of, and in my report,
 4
     I documented personnel I was aware of.
 5
                And so looking at this list, are
 6
 7
     there any other individuals that you know for a
     fact -- and let's start with detectives that
 8
 9
     were assisting you -- whose names you don't see
10
     on here?
          Α.
                Well, I know the officer -- the
11
     detectives that participated in the canvass are
12
     not all here. Detective Hagen is, but I think
13
     there were a few others that I know participated
14
     in the canvass that aren't listed here.
15
16
                Do you remember their names?
          Q.
17
          Α.
                Detective Wathen.
                Do you know how to spell that?
18
                I think it's -- I'd be quessing.
19
20
     It's probably in my report, I think.
                In the CSR?
21
          Q.
                Or one of my reports, yes, because I
22
    have a listing in the format -- I think it's
23
24
     called a scene sup. It's got the
```

1 format -- there's a section in there for personnel assigned, and all the detectives that 2 3 I was aware of would be listed there. Okay. And do you recall anyone off 4 the top of your head other than Detective 5 6 Wathen? Well, we talked about Detective 7 Torres and Curran. I believe they were involved 8 9 in the canvass, and that's how they ended up 10 subsequently -- I don't know if they were the ones who actually first found the three 11 individuals that were potential witnesses 12 brought into the area, but they were involved 13 with the canvass, and then obviously they 14 interviewed those people. 15 16 What's Detective Torres' first name, Q. 17 do you know? 18 Α. Peter. 19 Peter. And Detective Curran's first Q. 20 name? 21 Α. Thomas. 22 Other than those individuals, any Q. other detectives who you recall being at the 23 24 scene who are not on this list?

24

1 Α. From my memory, no. If you want to 2 refer -- compare this list to my report, there 3 might be some names that I don't remember. there might be people that are -- were not on this report or my report that were out there and 5 I was never aware they were out -- I don't know. 6 7 ο. Sure. Because, as I said, when a major 8 9 incident like this occurs, all of the personnel 10 in our office that are available are asked to respond because, when this first starts, we 11 don't know how much manpower we're going to 12 need. 13 Are there -- with respect to this all 14 pertains -- I'm assuming that this narrative 15 section -- well, what is the purpose of this 16 17 narrative and listing all these individuals? 18 What's the goal there? Is it just trying to 19 identify? 20 Just to document -- well, the Department has a policy. There are certain 21 notifications that are supposed -- depending on 22 the nature of the incident, there's certain 23

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notifications which need to be made, so that's

2.4

the document that the notifications were 1 2 properly made. And then the assisting personnel 3 are just to document the police personnel that responded to this incident. Would there be any documents similar 5 Q. to this -- I'm assuming -- does this apply 6 strictly to the scene of the shooting here? 7 As opposed to what? 8 Α. 9 0. Area Central. So my question is, is 10 there any document similar to this that would 11 note all the detectives who were present at Area 12 Central following the scene of the shooting? Well, if they were -- if they had any 13 Α. substantial involvement in the investigation at 14 the area, I would have included them in my 15 reports. They would be under my personnel 16 17 assigned if I was aware of them. I know the forensic people do a crime 18 scene processing report every time that they do, 19 20 and part of that report, again, is to document the police personnel present. So if they were 21 aware of something, there -- someone, there 22 could be somebody listed in their report. 23 There is no all-inclusive -- it's not

1 like at the scene anyone is designated to get 2 the name of every single person; at the office 3 someone's designated to get the name of every person. And, as I said, there's no formal system for everyone to check in so... 5 Q. I got you. 6 MR. NEUMER: Kris, do you have any 7 questions regarding Exhibit 18? 8 9 MR. BROWN: I do not. 10 BY MR. NEUMER: 11 With respect to Area Central, when Q. you were at Area Central following your time at 12 the scene of the shooting, was there ever a 13 meeting between the detectives at Area Central 14 15 regarding investigative findings or anything of that nature? 16 No. As I said, through Sergeant 17 Gallagher, Lieutenant Wojcik, and myself were --18 I was the primary detective, they're the 19 20 supervisors, and, you know, we conferred. there was no meeting of really any additional 21 22 personnel. As I indicated before, other people, 23 24 when they perform their tasks, they document

1	them in a General Progress Report, and then they
2	would subsequently turn those in to
3	Q. But there was no meeting at Area
4	Central where detectives were providing you
5	their GPRs or anything like that?
6	A. No, there's no meeting. It's just
7	when people come in or finish their task, they
8	bring the GPR and put it like I said, there'd
9	usually be a file set up somewhere for people to
10	drop their GPRs.
11	Q. What about "post-shooting briefing,"
12	is that a term that's familiar to you?
13	A. In what sense?
14	Q. Following police-involved shootings,
15	is there a post-shooting briefing that occurs?
16	A. There might be something further up
17	the chain of command, but I'm too low in the
18	food chain for that.
19	Q. Did you hear about any post-shooting
20	briefing that the superintendent was a part of?
21	A. Well, I think I mentioned yesterday
22	about executive management meetings, or EMMs as
23	they're called
24	O. Yep.

1 -- I don't participate in those. I 2 don't brief anybody on those. 3 To the best of my knowledge, as I told you yesterday, I was informed that two of 4 those briefings did, in fact, occur at different 5 times. There was one that was conducted by 6 Commander Roy; one was conducted by Lieutenant 7 Valdez for command staff members. 8 9 I have no idea who was present for 10 those meetings or exactly what date and time they occurred. I was just told their --11 Commander Roy told me he conducted a briefing at 12 one meeting, and Lieutenant Valdez informed me 13 that he had conducted a separate briefing at a 14 separate meeting. 15 16 And I believe it was your testimony Q. 17 yesterday, but I want to confirm, that I 18 think -- I think it was both Valdez and Roy told 19 you at some point that the executive staff or 20 whoever was in these management meetings was in 21 agreement with your findings, your investigatory findings? 22 Right, on multiple occasions we 23 Α. actually, at the office, once this incident 24

1 became what it is today, we had a number of meetings -- this is months later or during the 2 3 course of the following months. We had multiple meetings involving myself -- not always all of these people, but involving myself, Detective 5 Hagen, Sergeant Gallagher, Lieutenant Wojcik, 6 Lieutenant Valdez, and Commander Roy. 7 At some of those meetings, we 8 9 actually played the video again and reviewed to 10 get, you know, everyone's -- weigh in with their opinion. And everyone was in agreement with the 11 investigation and the conclusions reached as 12 documented in this report. 13 And I was informed by Commander Roy 14 15 regarding the briefing he gave at the executive 16 management meeting and also Lieutenant Valdez at 17 the briefing he gave at the executive -separate executive management meeting that not 18 only did each of them personally agree with the 19 20 findings or the conclusions we were making in this investigation, but when they were presented 21 to the executive staff, command staff, whatever 22 you want to call it, at these briefings, that 23 2.4 everyone present at those meetings was in

1 agreement with the conclusions that were reached. 2 3 Q. And so in this executive management meeting, how did you initially present your 4 findings to either Roy or Valdez; that is, how 5 did they know what your findings were? 6 7 Well, they were both present at the scene right from the beginning, and so they were 8 9 aware of -- you know, just as I had 10 conversations with Gallagher about -- at the scene he was learning things from other 11 detectives, I was learning things, we were 12 putting it all together to piece the whole story 13 14 together. And I'm assuming that Sergeant Gallagher -- the information flowed up the chain 15 16 of command. 17 Q. And so, as part of those conversations, were you communicating that you 18 19 thought the shooting was justified? Was that 20 part of the findings that was being communicated there? 21 Well, we would communicate what we 22 had learned, whether it be from the witness 23 24 statements, the evidence, this, that, the other,

```
1
     and people obviously would express their
     opinion.
 2
 3
          0.
                And it was, I guess -- I'm trying to
     understand what -- when Roy goes into an
 4
     executive management meeting -- and I think you
 5
     were saying he presents the findings or people
 6
     were on board with those findings -- I'm just
 7
     trying to find out, like, was that something
 8
 9
     that you had told Roy, or was he hearing that
10
     from Gallagher, or how did that all work out?
          MR. McKAY: I object. Shouldn't that be a
11
     question you should ask Commander Roy and not
12
     this gentleman?
13
     BY MR. NEUMER:
14
15
                I'm asking about your specific -- if
          Q.
16
     you had conversations with Roy about findings of
17
     your investigation and how you knew that folks
18
     in the executive management meeting were on
19
    board with those findings.
20
          Α.
                I think I was very clear yesterday.
     I had personal contact with Commander Roy.
21
     Separately I had personal contact with
22
     Lieutenant Valdez.
23
2.4
                Both of them separately and
```

1 independently told me, when we discussed this case, that they had presented briefings downtown 2 3 at public safety headquarters during executive management meetings where other command staff personnel were present and they presented a 5 briefing. 6 I have no idea what they presented. 7 I'm pretty certain that the videos that we had 8 9 recovered from part of the briefing, parts of 10 the presentation and that everyone -- and I was just told that everyone at these meetings, all 11 of the command staff members that were present, 12 were in agreement with our conclusions. 13 And I'm assuming here my 14 understanding was that they were all agreeing 15 with the one basic conclusion was that the video 16 was consistent with what all the officers were 17 saying, and that the use of force, the way the 18 incident -- the actions of the officers were all 19 20 appropriate. You mentioned during the course of 21 Q. your investigation, I think it was Lieutenant 22 23 Wojcik asked you to halt investigative activity 24 regarding the McDonald case?

1 A. Yes.

Q. And that was because of another investigation, or what was the --

A. Well, there were a lot of opinions being expressed, mainly in the media, about this incident. And then we became aware that there was some type of investigation being going on at the Criminal Courts building at 26th and California involving the Office the Cook County State's Attorney and the Federal Bureau of Investigation.

And, again, we talked about this all yesterday, and I was very clear that we learned of this -- I don't know how we first became aware of it or who told who first, but I heard that there allegedly was this investigation happening where the officers -- the police officers, the -- I don't know if Jason Van Dyke actually was subpoenaed, but the nine witness officers, if you will, were subpoenaed by the Cook County grand jury, and when they went to 26th Street, no one was, to the best of my knowledge, put in front of the grand jury to give any testimony, but they were interviewed by

1 personnel from the Cook County State's 2 Attorney's Office and the Federal Bureau of 3 Investigation. Did you have any understanding what 4 those other entities were investigating? 5 MR. McKAY: I have to object, Peter. 6 was asked and answered. It was yesterday. 7 It was our understanding that we were 8 9 continuing this until today because the specific 10 allegations you did not have an opportunity to get to. This was all covered yesterday. 11 So my objection is it's been asked 12 and answered. The transcript speaks for itself. 13 When it's prepared, you can read what his 14 answers were at that time. I ask we move on to 15 16 the allegations we unfortunately did not get to 17 yesterday. 18 MR. NEUMER: I have no interest in going 19 over ground that wasn't covered, but in terms of 20 what Detective March believed was the nature of this investigation, I don't believe that was 21 covered yesterday. 22 BY MR. NEUMER: 23 24 ο. So --

1 MR. McKAY: Well, then I object to you 2 asking Detective March to speculate about what 3 other people may or may not have been doing in this case. He can speak about what he did and what his partners did, not other agencies. 5 MR. NEUMER: Your objection is noted. 6 BY MR. NEUMER: 7 Detective March, what was your 8 Q. 9 understanding of the investigative purpose of 10 those investigations that you had heard of? I have no idea. No one sent me a Α. 11 memo. 12 MR. BROWN: Can I do a quick follow-up? 13 MR. NEUMER: Sure. 14 BY MR. BROWN: 15 16 Since we're talking about the Q. 17 follow-up on the command staff, I have a quick 18 question for you. 19 MR. McKAY: Is Peter done? Because the 20 rules state, Kris, you definitely get to ask follow-up questions but only after the primary 21 interviewer is finished. 22 MR. NEUMER: Yep. Go ahead. 23 24 MR. McKAY: Thank you. Go ahead.

1 BY MR. BROWN: 2 Q. Did anyone at CPD ever tell you that 3 Van Dyke's actions were unjustified? Absolutely not. Α. Absolutely not. Okay. Q. 5 Did anyone at CPD ever tell you or 6 have a conversation with you about why the City 7 entered into a settlement agreement with 8 9 McDonald's estate? 10 Can you repeat the question. 11 Yeah. Sure. Did anyone at the City **Q.** ever -- be it City of Chicago, City Hall, CPD, 12 any City employee -- have a conversation with 13 you about why there was a settlement that was 14 entered into with McDonald's estate? 15 MR. McKAY: I object to the relevance of 16 17 that. Regarding the allegations you have against Detective March, how -- assuming he 18 knows because, again, you're asking him to 19 20 speculate about other people, but how is that relevant to this? 21 MR. BROWN: Just specifically wanted to ask 22 if anybody talked to him. I didn't want him to 23 24 speculate on anything. If no one talked to

```
1
     him --
 2
     BY THE WITNESS:
 3
                Can I have the question one more
     time.
          MR. BROWN: Should we read it back or say
     it again?
 6
 7
          MR. NEUMER: You can restate the question.
     BY MR. BROWN:
 8
 9
          Q.
                Did anyone at the City have any
10
     conversations with you about why the City
11
     entered into a settlement agreement with
12
     McDonald's estate?
                Well, that's a very general question.
13
     It covers a broad area. And I am under oath, so
14
     the answer to your question is, yes, I had
15
16
     conversations with other people employed by the
17
     City of Chicago about the settlement agreement
18
     after it had been entered into.
19
          o.
                In those conversations, did anyone
20
     tell you why they entered into a settlement
     agreement?
21
          MR. McKAY: I'm objecting. Same reason.
22
    You want to keep going in this area over my
23
24
     objection, get ready.
```

1 BY THE WITNESS: You want an answer to that? 2 3 BY MR. BROWN: Q. Yes, please. Sometime after the City entered into the settlement agreement with the family, 6 survivors of Laquan McDonald, I received a 7 notification from the City, which was required, 8 9 I guess, because of our union contract. When I 10 am specifically named in a response to a FOIA request, Freedom of Information Act request, I 11 am entitled to notification. 12 So sometime not long after the 13 14 settlement agreement was entered into, I received a notification of a -- the response to 15 16 a FOIA request that included my name. 17 As part of that whole process, that notification process, I obtained a copy of the 18 settlement agreement, and for the very first 19 20 time learned, after this had all been entered into, that I had been specifically mentioned in 21 the settlement agreement. 22 Myself and other police personnel who 23 were specifically named in the -- I believe --24

1 and now I'm going from memory. I don't have a 2 copy of the settlement agreement here with me. 3 But obviously Officer Van Dyke was named in the settlement agreement; for some reason, and I'm not -- it's not clear to me why, Officer Walsh, 5 Joseph Walsh was named in the settlement 6 agreement; and then Detective Richard Hagen, 7 myself, Sergeant Daniel Gallagher, and 8 9 Lieutenant Anthony Wojcik were named in the 10 settlement agreement. I had never been consulted by anyone 11 prior to this notification of this FOIA request 12 response. Because our names had been mentioned 13 in the settlement agreement, myself, Detective 14 Hagen, Sergeant Gallagher, and Lieutenant 15 16 Wojcik, because we all worked together, we were all, quite frankly, amazed that we could be 17 named in a legal proceeding and never having 18 received any notification that we were part of 19 20 this process, so we requested a meeting with Corporation Counsel's office and met with 21 22 Assistant Corporation Counsel -- Steven Platt? MR. McKAY: Close. 23 2.4

2.4

1 BY THE WITNESS: 2 Α. Tom Platt. Thomas Platt. 3 And he met us on -- I think we met with him actually twice to discuss our concerns 4 about why we would be named in a settlement 5 agreement. 6 Legal action or civil legal action 7 regarding officer-involved shootings is very 8 9 commonplace. Normally that involves the City, 10 it involves the police department, and the specific officer who fired his handgun. 11 All of the sudden I became aware of a 12 settlement agreement. And my coworkers had the 13 same concern. We were mentioned in the 14 settlement agreement, and we were never aware 15 16 that any legal action had been filed against us, 17 nor had any official formal complaint been 18 lodged with the City or Department against us regarding misconduct of any kind. 19 20 We met with Mr. Platt to voice our concerns. Me, I'm not a lawyer, but I tend to 21 think very logically, and when I read that 22 agreement, in addition to the settlement that --23

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in exchange for however much money, all claims

1 were now -- all claims by the family against the 2 City or whatever were now and forever done. 3 stated that this would include all Chicago Police Department employees past, present, and future as well as Van Dyke, Walsh, March, Hagen, 5 Gallagher, and Wojcik. 6 And, again, I'm no legal scholar, but 7 thinking logically, if we have an agreement here 8 9 that says -- it basically indemnifies all police 10 employees past, present, and future, isn't that every possible police officer? Why would you 11 feel the need to specifically name anybody else? 12 And our concern here was that, again, 13 no legal action had been filed against us 14 regarding any misconduct of any kind, no formal 15 16 complaint of misconduct of any kind had been 17 filed with IPRA, the City, Inspector General's Office, anywhere that we were aware of and, yet, 18 we were specifically named. 19 20 And, again, being a logical thinker, anyone knows that when a civil settlement is 21 reached, whether it be a company being sued for 22 product liability or the police being sued for 23 2.4 police misconduct, that when individual parties

```
1
     are named, the assumption is the money was paid
 2
     because obviously these people did act
 3
     inappropriately and so that's why the entity,
     whether it be a company or the City, paid the
     money rather than risk going to court on a
 5
     lawsuit and lose even more money.
 6
                And we felt -- and we still feel to
 7
     this day -- we never committed any kind of
 8
 9
     misconduct.
10
                In response to your question, as far
     as did I ever receive any information about why
11
     the City paid -- entered into this agreement?
12
     Mr. Platt -- and this is not a quote, but he
13
     basically said -- number one, we asked him why
14
     we would be named in a legal action and never
15
     even been consulted.
16
17
                And the City -- the Corporation
     Counsel's Office, as the legal entity, if you
18
     will, the lawyer -- there was a lawyer or
19
20
     lawyers on the side of the family, and there was
     the lawyers of the Corporation Counsel's Office
21
     representing the City and the police department
22
     and subsequently representing -- allegedly or
23
     supposedly representing our interest and decided
24
```

```
1
     to name us in that agreement. We asked, "How
 2
     can you name us and not even consult us, not
 3
     even notify us?"
                And this kind of went back and forth,
     and ultimately Mr. Platt said -- again, not a
 5
     quote, but basically the point was that, "You're
 6
     right, we should have probably consulted you
 7
     first."
 8
 9
                Getting to the larger issue as to why
10
     the City entered into an agreement -- again, not
     a quote -- but basically we were told something
11
     along the lines of the lawyers for the family
12
    had obtained a copy of the 813 Robert dash cam
13
     video, I believe. However that happened,
14
     whether it was done properly or not, I don't
15
16
     know, but the lawyer for the family had that
17
     video and never filed a legal action in any
     court that I'm aware of regarding any police
18
    misconduct, but, instead, contacted the City --
19
20
     which I'm assuming through their legal
     representative, Corporate Counsel's Office --
21
     and basically said, "We want to enter into
22
     settlement negotiations or we're going to
23
     release this video."
2.4
```

I believe -- and, again, I don't have 1 2 the documents in front of me, but I believe 3 there was a demand letter sent by one of the attorneys to the City basically stating that, "If we don't get a settlement agreement by such 5 and such a date" -- and I don't recall off the 6 top of my head what that date was -- "we are 7 going to release the video to the media on this 8 9 date." 10 And it just so happened that the timing of all this was in between the first 11 round of the mayoral election and the runoff 12 election that happened in the spring of 2015. 13 And Mr. Platt indicated to us that we 14 were -- he was told from above him -- which, 15 again, my common knowledge of the way things 16 17 work is, there's only two people over Assistant Corporation Counsel Thomas Platt, and that's his 18 boss the Corporation Counsel and then his boss 19 20 who is the Mayor of the City of Chicago. But Mr. Platt indicated that he was 21 told to reach a settlement agreement with these 22 parties -- or this party, whatever it took. And 23 he basically said something to the effect of, 24

"You know what time it is. You know what's 1 2 going on. You can read between the lines." 3 And, again, none of this is exact quotes of anybody but there are -- there are 4 certainly -- again, to the best of my knowledge, 5 without having the actual documents of the 6 settlement agreement and any of the letters, but 7 I obviously have read the settlement agreement. 8 9 Mr. Platt showed us some of the 10 letters that were sent by the family's attorneys. He allowed us to read, I believe, 11 one or two of those letters, but would not give 12 us -- provide us with copies. He let us read 13 them in the office but would not provide us with 14 copies. 15 And I'm pretty certain that Detective 16 17 Hagen, Sergeant Gallagher, and Lieutenant Wojcik would all recount to you the basic same sequence 18 of events that I just laid out. 19 20 BY MR. BROWN: Understood. And Mr. Platt did not 21 Q. specify who gave him the order, correct, or the 22 direction? 23 2.4 No, just made it clear that it came

1 from above him. 2 Q. Okay. Understood. I just wanted to 3 ask that question because after you said the command staff was --4 I believe he said something along the lines of that the Corporation Counsel's Office 6 was under orders or directions to reach a 7 settlement. 8 9 Q. I see. Like I was saying, I just 10 wanted to ask that question because you stated that CPD's command staff was on board with the 11 12 conclusions, so my thought was how did we go from A to B? So I wanted to know if you had any 13 knowledge. 14 15 MR. McKAY: Now you know. BY THE WITNESS: 16 I'm still wondering that same 17 question myself, sir. 18 19 MR. BROWN: That's all my questions. 20 MR. NEUMER: I want to return to the Notification of Allegations. 21 22 MS. REPORTER: Can we take a quick break first? 23 24 MR. NEUMER: Sure.

1 (WHEREUPON, a recess was had.) MR. NEUMER: The time is 3:04 p.m. We're 2 3 back on the record, and I'm going to get back to our Notification of Allegations. BY MR. NEUMER: 5 Q. I'll direct you to Page 1, 6 7 allegation 1(a), Roman numeral I. And this pertains to the finding in the Exhibit 5 CSR 8 9 that Officer Van Dyke's use of force was within 10 the bounds of CPD's use-of-force guidelines. you can find the page in the CSR on Page 22 at 11 the bottom. 12 Detective March, it is alleged that 13 14 you failed to draft truthful, complete, and objective Case Supplementary Reports concerning 15 16 the McDonald shooting. Specifically the Case 17 Supplementary Report you submitted on or about March 15, 2015, the Exhibit 5 CSR, concluded 18 19 that Officer Van Dyke's use of force was within 20 the bounds of the Chicago Police Department's use-of-force guidelines and in conformity with 21 local ordinances and state law despite available 22 evidence to the contrary, including video 23 24 recordings of the McDonald shooting.

1	What is your response to that
2	allegation?
3	A. My response is that, consistent with
4	the reputation that I have established over
5	33 years as a police officer, 25 years as a
6	detective, I did, in fact, in this instance
7	conduct a complete, thorough, properly
8	documented, and professional investigation.
9	I did, in fact, draft truthful,
LO	complete, and Objective Case Supplementary
L1	Reports, and the conclusion that is the basis of
L2	allegation one is, in fact, stated in my report.
L3	And it is my belief to this very day
L4	that there is no available evidence to the
L5	contrary, including any and all video evidence,
L6	that runs contrary to that conclusion.
L7	Q. Did you conclude as part of your
L8	report that all the shots that were fired
L9	were that Officer Van Dyke fired on the night
20	of October 20th, 2014, were within the bounds of
21	CPD's use-of-force guidelines?
22	A. Yes.
23	Q. Was there any discussion amongst you
24	and Sergeant Gallagher or Lieutenant Wojcik

1 regarding all the shots that were fired and 2 whether the -- whether all of the shots that 3 were fired were necessary? Α. No. You viewed all the -- all 16 shots 5 Q. were reasonable use of force? 6 7 Yes. 8 **Q.** Directing your attention to Page 2, 9 Roman numeral VI. 10 It is alleged that the Case 11 Supplementary Report you submitted on or about 12 March 15, 2015, Exhibit 5 CSR, falsely determined that Laquan McDonald initiated the 13 imminent use of force likely to cause death or 14 serious injury when he initiated an attack on 15 16 Officers Jason Van Dyke and Joseph Walsh. 17 What is your response to that 18 allegation? 19 That allegation is false. 20 statement that is the basis of this allegation that Laquan McDonald initiated the imminent use 21 22 of force likely to cause death or serious injury when he initiated an attack -- or "he initiated 23 24 an attack on Officers Jason Van Dyke and Joseph

1 Walsh," I believe that is the exact wording 2 that's in the report. 3 And I still believe to this very day that that is a true statement based on many of 4 the conversations we've already had during the 5 course of the last two days, especially 6 regarding the video that we discussed at the end 7 of yesterday/the beginning of today where I 8 9 pointed out where exactly I believe the video 10 shows that Laquan McDonald turned towards the officers, raised his knife, and pointed it 11 towards the officers. 12 And that the video is consistent with 13 the statement of both officers, Jason Van Dyke 14 and Joseph Walsh, that they believed they were 15 16 being attacked by Laquan McDonald, that he was 17 armed with a deadly knife attacking them, attempting to kill them or do great bodily harm 18 19 to them. 20 0. I'm going to hand you what has been previously marked Exhibit 6. This is a Case 21 Supplementary Report that you submitted on or 22 23 about March 15, 2015, with the sup ID 10988891 CSR 339. 24

1 (WHEREUPON, the document was 2 tendered to the witness.) 3 BY MR. NEUMER: Can you -- do you need to familiarize 4 Q. 5 yourself with the Exhibit 6 document? 6 I recognize the report. I'm going to trust that the collation, we finally got that 7 straight and that all pages are present and that 8 9 there's no duplicate pages. 10 ο. I think that's a fair assumption. 11 Quickly, what is the difference 12 between this Exhibit 6 CSR and the Exhibit 5 13 CSR? In a perfect world, these reports 14 could probably be contained in one obviously 15 16 lengthier report. Unfortunately the computer 17 system we have does not accommodate lengthy reports, so normally what is in -- this is 6 you 18 19 just gave me? 20 0. Yeah. Yep. What is in Exhibit 6 would be the 21 first half of the report, and what is in 22 Exhibit 5 would normally be the second half of 23 the report, and they would just be one report. 24

1	Q. Okay.
2	A. But that would create too many pages
3	for our computer system, so I break it up.
4	Q. So really other than computer
5	capabilities, they would all be in the same
6	report?
7	A. Exactly. Exhibit 6 is what we call
8	the format. It just lists the victims, the
9	witness, the offenders, the evidence, the police
10	personnel involved.
11	It's just a bunch of categories so
12	that you can neatly go in there if you need to
13	and pick out who are the victims in this case,
14	who are the offenders, what are the vehicles
15	involved, what weapon was involved.
16	And then Exhibit 5 is the second
17	half or would be the second half normally of
18	the report, and that is what most people would
19	call the narrative, which is the verbal story,
20	if you will, of the conduct of the
21	investigation.
22	Q. And were you responsible for putting
23	together the Exhibit 6 document?
24	A. Yes.

1	Q. Did anyone else assist you in the
2	drafting of the Exhibit 6 document?
3	A. Yes, Sergeant Gallagher and
4	Lieutenant Wojcik.
5	Q. And was their involvement similar to
6	the involvement you described with respect to
7	the Exhibit 5 CSR?
8	A. Exactly.
9	Q. And maybe is it fair to say that
LO	when you guys were meeting to discuss drafting
L1	reports and things of that nature, that
L2	encompassed discussions of what eventually
L3	became the Exhibit 5 CSR and the Exhibit 6 CSR?
L4	A. Yes. As I said, normally that would
L5	always be just one report.
L6	Q. Okay.
L7	A. We were not, if you will, mentally we
L8	were not creating two reports. We were
L9	documenting the investigation, which normally
20	would be done in one report, but, because of the
21	volume, it was broken up into two reports.
22	Q. I'm going to direct your attention to
23	Page 3 of the Notification of Allegations,
24	Roman numeral XV.

1	It is alleged that the Case
2	Supplementary Report you submitted on or about
3	March 15, 2015, the Exhibit 6 CSR, falsely
4	stated that McDonald was shot and killed by
5	Officer Van Dyke while McDonald was committing
6	an aggravated assault with a knife against
7	Officers Van Dyke and Walsh.
8	What is your response to that
9	allegation?
10	A. I'm sorry, which allegation are we
11	on?
12	Q. Sorry, it's Page 3 of 4,
13	Roman numeral XV, about a third of the way down.
14	I'll read it again.
15	It is alleged that the Case
16	Supplementary Report you submitted on or about
17	March 15, 2015, the Exhibit 6 CSR, falsely
18	stated that McDonald was shot and killed by
19	Officer Van Dyke while McDonald was committing
20	an aggravated assault with a knife against
21	Officers Van Dyke and Walsh.
22	What is your response to that
23	allegation?
24	A. My response would be that that

1 allegation is false. The statement that 2 McDonald was shot and killed by Officer Van Dyke 3 while McDonald was committing an aggravated assault with a knife against Officers Van Dyke and Walsh, that is included in this report, but 5 I don't think we're talking about Page 3. 6 Sorry, I was referring to the 7 Notification of Allegations. I think the 8 9 statement I was referring to is on Page 14 of 10 Exhibit 6. Α. Right. 11 MR. McKAY: Can you repeat the question and 12 allow Detective March to answer it. 13 BY MR. NEUMER: 14 So, again, we're referring to Page 14 15 Q. 16 of the Exhibit 6 CSR, and I'm also 17 simultaneously referring to Roman numeral XV of 18 Page 3 of the Notification of Allegations. 19 It is alleged that the Case 20 Supplementary Report you submitted on or about March 15, 2015, the Exhibit 6 CSR, falsely 21 stated that McDonald was shot and killed by 22 23 Officer Van Dyke while McDonald was committing 24 an aggravated assault with a knife against

2.4

1 Officers Van Dyke and Walsh. Again, that allegation is false. 2 3 That statement is, in fact, in the report, and, once again, I firmly believe -- and still do -that Laquan McDonald was committing an 5 aggravated assault with a knife against 6 Officer Van Dyke and his partner, Chicago Police 7 Officer Joseph Walsh. 8 9 Again, as stated before, when he 10 turned towards the officers, raised his right arm, right hand, which -- in which he held the 11 knife and pointed the knife in the direction of 12 the officers, he was, in effect, in my belief, 13 initiating the commission of an aggravated 14 assault against the officers. 15 He was performing acts that put them 16 17 in reasonable apprehension of receiving a battery, and he did that using a deadly weapon, 18 that knife. 19 20 I would also like to ask you a question. Now, that's -- in this Page 14, we're 21 talking about my category Manner/Motive in my 22 format. And this allegation only challenges the 23

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first sentence of that manner/motive. Would you

```
1
     concede then that the rest of that Manner/Motive
 2
     category is accurate?
 3
          o.
                We are not making any concessions;
     we're just asking -- we're going through our
 4
     Notification of Allegations.
 5
                But I'm not alleged any mis- --
 6
     there's no allegation against me for the rest of
 7
     the content of that Manner/Motive category,
 8
 9
     correct?
10
          Q.
                The Notification of Allegations
11
     speaks for itself. Everything that's contained
12
     in there is in there; and everything that's not,
     is not.
13
                I am now going to hand you what has
14
15
     previously been marked as Exhibit 7.
                (WHEREUPON, the document was
16
                tendered to the witness.)
17
     BY MR. NEUMER:
18
19
                This is an Original Case --
          Q.
20
          Α.
                I'm sorry to interrupt you. Would
     you mind if I just read the rest of that
21
22
     category to put it on the record?
                Sure. Go ahead.
23
          Q.
24
          MR. McKAY: Thank you.
```

```
1
          MR. BROWN: You're speaking of Exhibit 6?
 2
          MR. McKAY: Exhibit 6 --
 3
          THE WITNESS: Exhibit 6, Page 14.
          MR. McKAY: Under the Manner/Motive of this
 5
     report.
     BY THE WITNESS:
 6
                Under manner the report states,
 7
     "Laquan McDonald was shot and killed by Chicago
 8
 9
     Police Officer Jason Van Dyke while McDonald was
10
     committing an aggravated assault with a knife
11
     against Officer Van Dyke and his partner,
12
     Chicago Police Officer Joseph Walsh." That is
     the quote in the allegation.
13
                The rest of the section of
14
15
     Manner/Motive continues, which is not being
     challenged, "McDonald also committed an
16
17
     aggravated assault with a knife against Chicago
18
     Police Officers Thomas Gaffney and Joseph
19
     McElligott when McDonald stabbed the right front
20
     tire and windshield of their police vehicle and
     an aggravated assault with a knife against
21
     civilian Rudy Barillas immediately prior to
22
     being confronted by Officers Van Dyke and
23
     Walsh."
2.4
```

1	There's then a slash, which indicates
2	my separation between my statement of the manner
3	and the motive. The motive goes on to state,
4	"Peace officer interceding in a felony in the
5	line of the duty-defense of life (offender
6	apparently attempting to defeat arrest.)"
7	BY MR. NEUMER:
8	Q. So we've handed you Exhibit 7, an
9	Original Case Incident Report with the RD Number
10	HX486155, Event Number 1430116812.
11	What is an Original Case Incident
12	Report again?
13	A. This is as I said before about the
14	other report, this is the first report created
15	under an RD number, a Records Division number.
16	It initiates the reporting system.
17	Q. And how come there's a different RD
18	number for this Case Incident Report than most
19	of the other materials we've been showing you
20	which have an HX475653 number?
21	A. This is just an administrative
22	function, if you will. The Chicago Police
23	utilizes reporting regulations that are created
24	by the Federal Bureau of Investigation. It's

1 called the Uniform Crime Reporting System. 2 basically spells out how incidents should be 3 reported. And there's a whole system. Basically it's a statistical system so that they 5 can accurately track crimes throughout the 6 country because obviously laws are different in 7 different jurisdictions, but this gives them a 8 9 standardized way of reporting incidents so that 10 they can, again, do statistical analysis and 11 keep count -ο. So --12 -- and according to the Uniform Crime 13 Reporting Guidelines, most incidents are 14 15 recorded under one RD number. In the case of, what are called in Illinois, part one crimes, 16 17 the most serious part one crime is the crime 18 that is reported on the Case Report. 19 If you have someone committing a 20 burglary and then they are interrupted during the burglary and shoot somebody and kill them, 21 you now have something that started out as a 22 burglary, upgraded to possibly could be 23 24 interpreted as an armed robbery, definitely was

1 was an aggravated battery, they shot somebody, 2 and then that person dies and it becomes a 3 murder, the murder is the highest hierarchy. So that would be the way the incident would be reported; it would be reported as a 5 murder. All those lesser, if you will, offenses 6 would just be incorporated in that report. 7 8 **Q.** Okay. 9 Α. According to Uniform Crime Reporting, 10 there are a couple of instances when two distinct record numbers -- report numbers need 11 to be generated. Again, it's for strictly for 12 statistical purposes. And one of those 13 instances is a justifiable homicide. 14 15 Justifiable homicide, the FBI 16 requires that one RD number be created to 17 basically count the fact that there was a homicide, and then another report number is to 18 be created to document the underlying crime that 19 20 was being occurred -- that occurred at the time. So in this case, we reported this as 21 22 an aggravated assault on the police officers. This second RD number was subsequently 23 24 reclassified to the justifiable homicide.

```
1
     that, statistically, the homicide would be
 2
     recorded and then also the accompanying crime
 3
     would be recorded.
 4
          Q.
                Okay.
                But this report does not report
     anything that isn't already reported in this
 6
     other RD number.
 7
          0.
                Okay. You mentioned --
 8
 9
          MR. McKAY: Can I see your Exhibit 7,
10
     gentlemen.
11
          MR. BROWN: Sure.
          MR. McKAY: Thank you.
12
                Go ahead.
13
     BY MR. NEUMER:
14
15
                You mentioned the justifiable
          Q.
16
     investigation, and I want to ask a basic
17
     question, probably one I should have asked
18
    yesterday. With respect to RD Number HX475653,
    what were your investigatory objectives? What
19
20
     were you tasked to investigate?
                Well, an incident occurred in the
21
          Α.
     area, if you will, of 41st and Pulaski. I was
22
     assigned as the primary investigator along with
23
     all the other police personnel that responded to
24
```

```
1
     the scene. We were investigating that incident
 2
     to determine what happened.
 3
          0.
                Okay.
                The beat car does a report to
     class -- again, just to get the ball rolling, if
 5
     you will, documentation-wise, and they -- when
 6
     they create their report, based on whatever
 7
     information they have, they make the best --
 8
 9
     classify the incident as best -- their best
10
     guess, if you will, only it's supposed to be a
     professional quess based on knowledge,
11
     experience, training of what it is.
12
                Now, my investigation -- my duty, if
13
     you will, my assignment is to thoroughly
14
15
     investigate the incident and then determine what
16
     happened.
                Now, if I learn information that
17
     makes it obvious that the incident is something
18
19
     different than what the original officer
20
     reported, then I -- part of my duties is to
     reclassify the incident to a more serious, less
21
     serious, whatever the investigation bears out,
22
     what the incident is, and report it accurately.
23
2.4
     Once --
```

24

1	Q. Okay.
2	A. I'm sorry, just to try to be as clear
3	as I can. Once a conclusion is made that an
4	incident is a justifiable homicide, again, the
5	reporting requirements require a second
6	reporting number.
7	Q. Do you know when there was a second
8	report number generated with respect to the
9	McDonald shooting?
10	A. I created this the exhibit we're
11	talking about now, this new RD number, and
12	according to the computer here, it looks like I
13	generated it, Sergeant Gallagher approved it on
14	October 29th of 2014.
15	Q. And so at that time it goes from
16	what was it before it was a justifiable homicide
17	investigation? Was there a categorization
18	before then?
19	A. Well, it continues on as whatever the
20	beat car made it.
21	Q. Okay.
22	A. So they had originally because
23	Van Dyke and Walsh were saying that McDonald had
24	assaulted them with a knife, it was originally

```
1
     reported as an assault on a peace officer with a
     knife, and that's what the investigation
 2
 3
     continued under until we became confident that
     it was -- you know, the justifiable homicide and
     then we created the second --
 5
                October 29th, the second --
          0.
 6
                That's when I --
 7
          Α.
                -- generated?
 8
          O.
                -- created the report, right.
 9
          Α.
10
          ο.
                So how does this work in terms of CPD
11
     investigation of justifiable homicide along with
12
     IPRA's investigation? Are those parallel
     tracks, or how does that work?
13
                It's kind of a cloudy situation, if
14
    you will. We are tasked -- and, again,
15
     everything has changed as of January 1st of this
16
17
     year because a new law went into effect, so
     police shooting investigations are treated --
18
     are handled differently now.
19
20
                But basically before January 1st of
     this year and on October 20th, 2014, the police
21
     department conducted what was called the
22
     underlying criminal investigation, so that
23
     during -- any incident where a police officer
2.4
```

1 fires his handqun -- or I should say shoots someone, whether the person expires or survives, 2 3 we conduct what is called -- what was called the underlying criminal investigation. And IPRA is the Independent Police Review Authority. They conducted an 6 administrative investigation, if you will, into 7 the officer's conduct as to basically whether or 8 9 not the use of the firearm, the use of deadly 10 force was proper, appropriate, whatever you want to call it. 11 12 Q. Okay. But any criminal aspect, if anyone 13 were to be charged, that would be our 14 15 responsibility. 16 And you mentioned yesterday that I Q. 17 think you had --And I -- that's my understanding. 18 Again, I'm not a policymaker, but that's my 19 20 understanding of what was -- the testimony that was in place on October 20th, 2014. 21 22 Q. Right. No, and I'm just trying to get a sense of the jurisdiction there. In terms 23 24 of charges, you mentioned yesterday, I think it

1	was, you'd been lead detective on 30 police
2	approximately 30 police-involved shootings?
3	A. Probably about 30, yes.
4	Q. Had any of those investigations
5	resulted in charges?
6	A. Well, when they're when the
7	offender is shot when an offender is shot by
8	an officer and survives, if they were to engage
9	in criminal conduct, there are charges.
10	Q. How about on the police side?
11	A. I have not been personally involved
12	in a case like that, but I do believe there have
13	been incidents where police officers have been
14	charged.
15	Q. Have you ever been involved in an
16	investigation where the finding was that a
17	police officer was not justified in his use of
18	force?
18	force? MR. McKAY: Judge not judge. Objection.
19	MR. McKAY: Judge not judge. Objection.
19	MR. McKAY: Judge not judge. Objection. I believe this has been asked and answered by
19 20 21	MR. McKAY: Judge not judge. Objection. I believe this has been asked and answered by the previous answer. He said he wasn't involved

```
1
     object. I believe it's been asked and answered.
          MR. NEUMER: Can we read back the question.
 2
 3
                (WHEREUPON, the record was
                read by the reporter.)
     BY THE WITNESS:
 5
                Again, this is not a yes-or-no
          Α.
 6
              I was involved years ago. I was the
 7
     primary -- I believe I was the primary detective
 8
 9
     on a police-officer involved shooting incident.
10
                Without trying to even get -- even
     attempt to guess at the details of the incident,
11
     basically in a nutshell what it was was an
12
     officer shot someone, an offender. And that
13
     offender survived, and that offender was charged
14
     with -- again, I don't want to misstate so he
15
16
     was charged criminally and subsequently
    prosecuted in court. And I don't recall what
17
18
     the final disposition was.
19
                Again, this is years ago. It may not
20
     have been IPRA, the Independent Police Review
     Authority; it may have been the former OPS,
21
     Office of Professional Standards, depending on
22
     the timeline -- again, we're talking years
23
     ago -- but they determined that the officer's
2.4
```

1	use of force was not justified. They
2	recommended separation. The Department and the
3	City attempted to separate the officer from the
4	employment of the City of Chicago Police
5	Department, and ultimately at the police board,
6	the officer was reinstated.
7	Q. Okay.
8	A. So there was a finding that he wasn't
9	justified, but ultimately I guess the final
10	determination was that he was justified.
11	Q. And that was an investigation you
12	worked on?
13	A. Yes.
14	Q. Do you recall what so IPRA was
15	saying initially
16	A. IPRA or OPS.
17	Q. Right. Right.
18	A. Whoever the entity was at the time.
19	Q. They were finding that it was not a
20	justified shooting?
21	A. Correct.
22	Q. And what was the finding at your
23	investigation?
24	A. Well, I was I was not

1 investigating the officer's use of force --2 Q. Oh, okay. 3 Α. -- they were investigating. 4 Q. Okay. I was investigating the criminal --5 we determined that the other subject was the 6 aggressor and he was charged. And the State's 7 Attorney's Office came out and reviewed the 8 9 case, Cook County State's Attorney's Office, and 10 they charged the subject accordingly. 11 Q. So they charged the subject --So it wasn't just -- you know, we 12 didn't just charge. It was the Cook County 13 State's Attorney's Office did a review on the 14 criminal aspect of things, and they 15 determined -- they didn't place any charges 16 against the officer, they charged the other 17 gentleman. 18 19 Q. Okay. Is it fair to say -- and I 20 don't want to put words in your mouth -- that on the cases you've worked, you haven't reached an 21 unjustified use of force finding with respect to 22 a police-involved shooting? 23 2.4 I don't know if that's an accurate

1 characterization. As I said, in cases where the 2 subject against whom the deadly force was used, 3 if they survive and they are charged criminally, ultimately that is not my decision; that's the decision of the State's Attorney's Office. 5 So in those cases, ultimately we, as 6 in any felony investigation, we -- the Chicago 7 Police Department never charges anybody with a 8 9 felony --10 ο. Right. -- we call the Cook County State's 11 Attorney's Office. They have a Felony Review 12 Unit. They come out and review our 13 investigation, and then they tell us, yes, we 14 approve it. If they don't think we've made the 15 case, they will reject it. 16 They determine -- you know, we could 17 arrest five people; they might charge only three 18 because they think we only proved criminal 19 20 accountability on three of them. So ultimately the charging is left in 21 the State's Attorney's Office. 22 23 No, and I -- we might be talking past Q. each other a little bit here. Maybe in that 24

```
1
     framework, on any of the investigations
 2
     police-involved investigations --
 3
     police-involved shooting investigations where
     you were the lead detective, did you ever
 4
     present to the State's Attorney's Office Felony
 5
     Review Unit or propose charges against a police
 6
 7
     officer, not the offender but the police
     officers?
 8
 9
          Α.
                Again, I don't know that that was my
10
     determination to make. When we have an
     investigation, we -- and, again, this goes back
11
     to different time frames, different systems were
12
     in place.
13
                There was a time when, in all police
14
     shootings, we called the State's Attorney's
15
16
     Office, and we conducted what was called a round
17
     table. And so ultimately the decision on the
     justifiable -- justifiability, if you will, on
18
     the officer's use of force was -- we presented
19
20
     everything we knew to the State's Attorney's
     Office, and they would determine --
21
                I got you --
22
          Q.
                -- so if the offender survived, they
23
24
     would determine if he should get charged.
```

```
1
     the offender had been killed in the incident,
 2
     there was obviously no one to charge, but they
 3
     would still come out and review the case.
     if they -- I'm certain that if they thought the
     officer was not justified and had committed some
 5
     kind of criminal act, they would have charged
 6
     the officer.
 7
          0.
                Let me -- I think maybe in light of
 8
 9
     that statement let me ask maybe what's a better
10
     question. In the Exhibit 5 CSR, the report
11
     concludes that Officer Van Dyke's use of force
12
     was justified; is that correct?
                I don't want to misstate so let's --
13
          Α.
          Q.
                Nor do I.
14
                -- I'll refer to it.
15
          Α.
                No, in fact --
16
17
          Q.
                How about use of force was with the
18
    bounds of --
                Right. And actually --
19
          Α.
20
          0.
                -- Police Department --
                -- we're talking --
21
                -- guidelines --
22
          Q.
                -- and, again, we're talking about
23
24
     what the rules are in place at the time. At the
```

```
time of this investigation, I believe the
 1
 2
     Department's policy was to never make a
 3
     statement of -- as to the justifiability as to
     the use of force because IPRA was conducting
     their investigation.
 5
                We would just, you know, draw
 6
     conclusions based on our investigation but not
 7
     make a final statement as to whether or not the
 8
 9
     officer was justified.
10
          ο.
                So when was that the rule?
                Oh, that policy, if you will, started
11
     before this. And that's why -- that's -- and
12
     this is not the first time. I've had a
13
     number -- I don't use -- in my reports, I don't
14
     use the term, "justified" and/or, "not
15
     justified," and that's why the report is written
16
17
     the way it is.
                Our conclusion was we didn't find
18
     anything wrong with what Jason Van Dyke did and,
19
20
     therefore, the way we stated -- when I say,
     "we," Gallagher agreed with me, Wojcik agreed
21
     with me. We found that his actions were in
22
     conformity with the Department -- or within the
23
     bounds of the Department's use of force
24
```

1 quidelines and in conformity with local laws and state law -- local ordinances and state law. 2 3 So we -- it's not our responsibility to make that determination as far as 4 justifiable, and we really aren't permitted to. 5 Is it unusual to include this type of 6 language in the Exhibit 5 CSR? 7 No. In fact -- and, again, you're 8 9 talking about at different time frames. I'm --10 I've been dealing with this issue for 33 years. At one time the Department wanted us 11 to just state -- at this time, which was 12 whenever the investigation was concluded, when 13 the State's Attorney's Office came out on every 14 shooting, we would just -- they wanted us to 15 just end the report with, "At this time, based 16 on all facts available, the State's Attorney's 17 Office determined that no charges will be placed 18 against the officer." 19 And just to wrap up, is it fair to 20 0. say that you're not aware of charges being filed 21 against a police officer based on the result of 22 your investigation of a police-involved 23 24 shooting?

1 Α. I'm not aware of that happening in 2 any case that I was involved in the 3 investigation. 4 Q. Okay. MR. NEUMER: Any follow-up on the -- on 5 that line of questioning? 6 MR. BROWN: Just one quick one. 7 BY MR. BROWN: 8 9 Q. If after your investigation you 10 concluded that Van Dyke's actions did not conform with CPD's policy, would you have noted 11 12 it as such in the CSR? Yes. 13 Α. Okay. 14 **Q.** BY MR. NEUMER: 15 16 I'm going to hand you what has Q. 17 previously been marked -- while we're looking 18 for that, prior to October 20th, 2014, did you 19 have any relationship with Officer Van Dyke? 20 Α. I never knew him before that night. 21 Q. Okay. And I might add, I didn't know any of 22 the officers -- any of the ten officers before 23 that night. 24

1	Q. No relationship with those
2	A. None at all
3	Q folks?
4	A never worked together, never
5	assigned to the same unit.
6	Q. So 11 and 12, I'm going to provide
7	you going to hand you what's been previously
8	marked as Exhibits 11 and 12.
9	(WHEREUPON, the documents were
10	tendered to the witness.)
11	BY MR. NEUMER:
12	Q. These are Evidence Submission Forms,
13	Form 54818.E, 54818.F submitted to Illinois
14	State Police with an incident RD Number.
15	HX475653.
16	What's the purpose of an Evidence
17	Submission Form?
18	A. In any case where there is physical
19	evidence, if we want the evidence analyzed by
20	the Illinois State Police Crime Lab, we create
21	an Evidence Submission Form to request that
22	analysis.
23	Q. And did you draft the narrative that
24	is on Page 2 of Exhibit 11 and Exhibit 12?

1 Α. Yes. In that narrative -- I'm going to 2 Q. 3 direct you to Page 4 of the Notification of Allegations, number five at the top of the page. 4 It is alleged you falsely stated in 5 two Evidence Submission Forms, Form 54818.E and 6 Form 54818.F that were submitted to the Illinois 7 State Police regarding incident RD HX475653 that 8 9 McDonald assaulted three Chicago Police Officers 10 with a knife. 11 What is your response to that allegation? 12 The allegation is false. The report 13 Α. does say that McDonald assaulted three Chicago Police -- the Evidence Submission Form does 15 state that McDonald assaulted three Chicago 16 Police Officers with a knife. 17 It states that because that statement 18 is true. That is, in fact, what McDonald did 19 20 when he turned towards -- when he stabbed the tires on the police vehicle occupied by 21 22 Officer Gaffney and when he turned towards Officer -- with the knife -- when he stabbed the 23 24 tire of the police vehicle occupied by

```
1
     Officer Gaffney with the knife, and subsequently
     when he turned towards Officers Van Dyke and
 2
 3
     Walsh and raised his arm holding the knife,
     pointing the knife at the officers, he did, in
     fact, assault all three of those officers and
 5
     put them in reasonable apprehension of receiving
 6
 7
     a battery.
                And so this statement is, in fact, in
 8
 9
     that report, and it is true. It is not false.
10
     The allegation is false.
                I would also like to clarify that it
11
     appears that in an effort to create additional
12
     charges -- or allegations against me, this
13
     allegation states that I created two Evidence
14
     Submission Forms.
15
                I created one Evidence Submission
16
     Form. The number is 54818. Because evidence is
17
     going to different sections of the crime lab,
18
     the computer creates an E and an F; one to go to
19
20
     one section of the crime lab, one to go to the
     other section of the crime lab.
21
22
                I did not create two reports. I
     created one report and the report does contain
23
     that statement, and that statement is true.
24
```

1	Q. And you drafted that statement in
2	Exhibit 11 and Exhibit 12 narrative?
3	A. Yes.
4	Q. And just with respect to the Original
5	Case Incident Report
6	MR. McKAY: Can I interrupt for just
7	a second?
8	MR. NEUMER: Sure.
9	MR. McKAY: I know where you're going, but
10	before we go to that, can you state for the
11	record, Exhibit 11 and Exhibit 12 are
12	Exhibit 11 is 54818.E and correct me if I'm
13	wrong, gentlemen your Exhibit 12 is 54818.F
14	for the record.
15	MR. NEUMER: Correct. Correct.
16	MR. McKAY: Thank you.
17	BY THE WITNESS:
18	A. And I don't know if anyone bothered
19	to look, but these reports are exactly identical
20	except one has an E on it and one has an F on
21	it. Which I did not create; a computer created
22	it. So I only created one report.
23	BY MR. NEUMER:
24	Q. Do you have the Exhibit 7 Original

1	Case Incident Report in front of you, HX486155?
2	A. Yes.
3	Q. In the narrative section, did you
4	draft that narrative section?
5	A. Yes.
6	Q. Just wanted to clarify. I'm going to
7	hand you what has previously been marked as
8	Exhibit 13.
9	(WHEREUPON, the document was
10	tendered to the witness.)
11	BY MR. NEUMER:
12	Q. This is a Major Incident Notification
13	Detail with Incident Number 73204
14	MR. McKAY: Have you did you cover then
15	your allegation number four referencing
16	exhibit your Exhibit 7?
17	MR. NEUMER: I thought I did. Was that
18	Exhibit 7? We can
19	MR. McKAY: You began to ask him questions.
20	He identified the reason for a second ID number,
21	the FBI's Uniform Crime Reporting System, he
22	explained that.
23	I and correct me if I'm wrong, did
24	you specifically ask Detective March about this

```
1
     allegation you've numbered number four?
     BY MR. NEUMER:
 2
 3
          Q.
                Directing your attention to Page 3 --
     at the bottom of Page 3, allegation number four,
 4
     it is alleged you falsely stated in the Case
 5
     Incident Report for RD Number HX486155,
 6
 7
     Exhibit 7, that McDonald committed aggravated
     assaults against Officer Gaffney, Van Dyke, and
 8
 9
    Walsh that forced Van Dyke, "in defense of his
10
     life to shoot and kill McDonald."
11
                What is your response to that
12
     allegation?
                That allegation is false. That quote
13
          Α.
     that -- the quote from the -- in the allegation
14
     that forced Van Dyke "in defense of his life to
15
     shoot and kill McDonald, " is, in fact, contained
16
17
     in this report.
                The allegation is false, however,
18
     because that statement is, in fact, true for all
19
20
     of the discussions we've been having for the
     last two days. It was my belief and is my
21
22
     belief to this very moment that that statement
     is true; that, because of Laquan McDonald's
23
24
     actions, it forced Van Dyke to "in defense of
```

```
his life shoot and kill McDonald."
 1
 2
                So that allegation is false. I would
 3
     like to ask you, you're only challenging the,
     "in defense of his life to shoot and kill
     McDonald"; does that mean that the -- you
 5
     concede that the rest of that narrative is true?
 6
                Our Notification of Allegations
 7
     speaks for itself on that subject.
 8
 9
          Α.
                Then I would just like to read into
10
     the record the fact -- it's very short -- the
     narrative here, but under "Investigation" on
11
     Page 2 of this document, the report says, "The
12
     offender in this incident, Laquan McDonald,
13
     committed an aggravated assault against the
14
     victim, Rudy Barillas, by attempting to cut
15
     Barillas with a knife. Barillas called 911.
16
17
     Chicago Police Officers Thomas Gaffney, Jason
     Van Dyke, and Joseph Walsh responded to
18
19
     Barillas' call. McDonald committed aggravated
20
     assaults against the three officers
     finally" -- and at that point -- up to that
21
     point, you are not challenging anything in the
22
     narrative of this report, correct?
23
24
          Q.
                Again, our Notification of
```

1	Allegations speaks for itself.
2	A. All right. But those that part of
3	the narrative is not included in the allegation,
4	correct?
5	Q. I'm going to let our Notification of
6	Allegations speak for itself.
7	A. Okay.
8	Q. So I think did we put Exhibit 13
9	before you, Major Incident Notification Detail,
10	Incident Number 73204?
11	What is a Major Incident Notification
12	Detail?
13	A. This is a computerized system within
14	the Department. As it says, it's to keep track
15	of major incidents. Basically it's so that when
16	an incident occurs, entries are made that the
17	incident did, in fact, occur.
18	As details are as more information
19	becomes available, the Major Incident
20	Notification Detail is updated by different
21	personnel within the Department.
22	And, again, it's basically a database
23	so that primarily bosses, supervisors, can go in
24	there, and if we have a question about a

1 particular incident, rather than having to make 2 a phone call, they can go into it to find out 3 what's going on. They can just go in here and get a basic synopsis of the incident. Okay. And I want to direct your 5 attention to the narrative on Page 2 of the 6 Exhibit 13 document -- sorry, of Exhibit 13 --7 8 Α. Okay. 9 Q. -- so of the Notification Detail. 10 Did you draft that narrative? No. 11 Α. Do you know who did draft that 12 Q. narrative? 13 I don't know for a fact. I believe 14 it was Sergeant Gallagher. 15 16 Is the sergeant usually the one who, Q. 17 in your past experience with Major Incident 18 Notification Details, to draft the narrative 19 section of those documents? 20 Α. Yes, normally this is all done by a supervisor. I can tell you that I have never 21 made an entry in the Major Incident Notification 22 Detail system, including regarding this 23 incident. 24

```
1
          O.
                Okay.
 2
                So I would think that that should
 3
     conclusively prove that this allegation is
     false.
                I will certainly note that you did
 5
     not draft -- your statement that you did not
 6
     draft the narrative section of the Major
 7
     Incident Notification Detail.
 8
 9
          MR. McKAY: I would ask, as an officer of
10
     the court, that you withdraw
     allegation 1(a)(16). What good-faith basis do
11
     you have to persist in this allegation against
12
    Detective March?
13
          THE WITNESS: That's the wrong allegation.
14
     It's on Page 4, allegation six.
15
16
          MR. NEUMER: I think the key would be --
17
          MR. McKAY: No --
          THE WITNESS: I'm sorry, I'm wrong, too.
18
          MR. McKAY: 1A, Roman numeral XVI.
19
20
          THE WITNESS: Right Page 4, number six.
          MR. McKAY: My mistake. Are you or will
21
     you withdraw allegation number six in the
22
     allegations alleged against Detective March?
23
          MR. NEUMER: We're -- when we drafted these
2.4
```

1 Notification of Allegations, we had a good faith basis for all of them. And as we --2 3 MR. McKAY: And now? And now regarding allegation number six what do you have? MR. NEUMER: Detective March has stated 5 that he has not drafted this document. 6 7 MR. McKAY: That is why I'm asking you on the record to withdraw allegation number six. 8 9 Will you do that? 10 MR. NEUMER: I mean, that's not part of the process. It's not -- there's no withdrawal. 11 We're going to do an investigation. So we're 12 fact finders. That's what we do; as we find 13 facts, we incorporate them into our 14 investigation. 15 BY MR. NEUMER: 16 17 I want to go back to the scene of the shooting, Detective March. At any time while 18 19 you were at the scene of the shooting, did you 20 witness officers attempting to coordinate stories regarding what occurred on that evening? 21 22 Α. No. At any time while you were at the 23 24 scene of the shooting, did you take notes that

```
1
    were not a part of a GPR?
 2
          Α.
                No.
 3
          Q.
                And I just want to clarify. When --
     so when you first -- strike that.
 4
                You spoke with each of the officers
 5
    at the scene of the shooting multiple times,
 6
 7
     correct?
          Α.
 8
                Correct.
 9
          Q.
                And is it correct -- the first time
10
     they provided some sort of narrative regarding
11
     the shooting?
          MR. McKAY: I have to object. We went over
12
     this yesterday. This has been asked and
13
     answered. I think today we're moving on with
14
     the allegations that we all did not get to
15
16
    yesterday.
17
          MR. NEUMER: Your objection is noted.
                Would you read back the question.
18
                (WHEREUPON, the record was
19
20
                read by the reporter.)
    BY THE WITNESS:
21
                So the question is, they provided
22
     some sort of narrative?
23
24
```

1 BY MR. NEUMER: 2 Q. Right. 3 Α. Yes. And then the second time or in 4 subsequent occasions, they provided additional 5 narrative? 6 I can't say for certain that there 7 was anything additional. The main reason for me 8 9 going back a second time was, the first time I 10 had just gotten to the scene; I was trying to get as much information as I could to determine 11 what we needed to investigate, so I didn't take 12 the time to write anything down. 13 To the best of my recollection, when 14 I did have time to write everything down, I took 15 time with each officer and did a GPR on them. 16 And as best as I recall, the two different 17 18 interviews, if you will, were basically the 19 same. 20 I don't recall anybody saying anything earth shattering, and I certainly have 21 no independent recollection of any differences 22 or additions between the first verbal interview 23 and the second interview where I created the 24

1 GPRs. 2 Q. With respect to the Exhibit 5 CSR, 3 you reviewed that Exhibit 5 CSR in preparation for --4 I've got so many exhibits in front of me at this point. We have to figure out what 6 you're talking about here. 7 Sure. So the Exhibit 5 CSR is --8 Q. A. 9 What report is that? 10 Q. March 15, 2015. It's the Case 11 Supplementary Report. It's got a 12 sup ID 10992767. I'm sorry, could you read the numbers 13 again. 14 Sure. It's got a sup ID of 10992767. 15 Q. CASR 301? 16 17 Α. Okay. When you reviewed that Exhibit 5 CSR, 18 19 did you see any inaccuracies? 20 Α. What do you mean when I reviewed it? I thought you had told us yesterday 21 that you reviewed these documents in preparation 22 for this interview. 23

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Oh, yes. That's what I'm saying, you

24

```
didn't specify when I reviewed -- I had no idea
 1
 2
     what exactly you were talking about.
 3
          0.
                My fault.
                Okay. So can I -- can you repeat the
     question?
 5
                       Sure. When you reviewed that
 6
          Q.
                Sure.
     Exhibit 5 CSR, did you see any inaccuracies?
 7
          Α.
 8
                No.
 9
          Q.
                Looking back at that report, is there
10
     anything at the present date that you would
     change about that report if you could?
11
                No, actually -- and I have made this
12
          Α.
     comment to a number of people during the past
13
     18 months as this case has come under
14
     unprecedented scrutiny -- every time I read this
15
     report, my reaction -- the only reaction that I
16
17
     have is that if I was writing the reports today,
18
     I would write it the same way because everything
     in this report is totally factual as far as I
19
20
     believe.
          MR. NEUMER: Do you have any follow-up on
21
     the CSR?
22
     BY MR. BROWN:
23
24
          ο.
                Just a quick kind of education
```

1 question. I know from the three, I guess, 2 victims of the assault would be Gaffney, 3 Van Dyke and Walsh. I was just wondering, why wasn't McElligott included in that number? 4 My own personal feeling was that McElligott was the victim of an aggravated 6 assault when the tire was slashed. 7 There was some discussion at the 8 scene as to who to designate as the victims, and 9 10 some question was raised, you know, as to whether McElligott should be because he was 11 behind McDonald at the time, and so we decided 12 to leave him off. 13 Okay. 14 **Q.** But my own personal opinion, he was 15 put in reasonable apprehension of receiving a 16 17 battery, too, because he was in some -- to me, in my opinion, he was at more risk than Gaffney. 18 19 McDonald stabbed the tire of the 20 police vehicle occupied by Gaffney so, in theory, I think it's a reasonable extension that 21 that use of force could be extended as a -- not 22 just against the vehicle, but against the 23 24 uniform -- the marked vehicle, but also against

1 the uniformed police officer occupying it. But he was surrounded by a lot of 2 3 metal. Officer McElligott was totally exposed. McDonald could have very easily -- he definitely indicated a willingness to attack the police by 5 stabbing the tire of that vehicle, and 6 McElligott was much more exposed at that point 7 than Gaffney was. 8 9 So, in my mind, I thought it was 10 reasonable for McElligott to be in fear of receiving a battery, but, like I said, because 11 there was some questions about that, that the 12 force was used on the vehicle occupied by 13 Gaffney, we only used Gaffney and not 14 McElligott. 15 16 Did McElligott make any statements to Q. 17 the fact that, "I don't believe I received an 18 assault or I was the victim of an assault"? Α. No. 19 20 Q. So was McElligott's, I guess, input part of that equation to include him as the 21 number of people who received the assault? 22 No, I think that was just people's 23 Α. 24 independent -- you know, none of us were lawyers

```
1
     at the scene. It's just a bunch of people that
     know the law fairly well and were applying it to
 2
 3
     the facts as they were aware of at the time.
     BY MR. NEUMER:
                Who was part of those decisions in
 5
          Q.
     terms of leaving McElligott out of the people in
 6
 7
     the assault group?
          Α.
                I mean, the major players, if you
 8
 9
     will, in the investigation, myself, Sergeant
10
     Gallagher, I believe Deputy Chief McNaughton was
     included in the discussion but...
11
                Do you remember whose final call it
12
          Q.
13
     was?
                No, I don't.
14
          Α.
          MR. NEUMER: We're going to go off the
15
    record for just a minute. It is 4:01 p.m.
16
                (WHEREUPON, discussion was
17
                had off the record.)
18
          MR. NEUMER: The time is 4:08 p.m. We'll
19
20
     go back on the record.
    BY MR. NEUMER:
21
                Last couple of Notification of
22
          Q.
     Allegations. Direct your attention to Page 3,
23
24
     Roman numeral XVI.
```

1 This is in reference to Exhibit 6, 2 which is a Case Supplementary Report with the 3 sup ID 10988891 CASR 339. And there is a justifiable homicide description in that 4 document. 5 On Page 3, under Exhibit 6, under 6 "Homicide Description" -- and this is about 7 two-thirds of way down on Page 3 -- it says, 8 9 "Criminal attacked officer, that officer killed 10 criminal." 11 It is alleged that the Case Supplementary Report you submitted on or about 12 March 15, 2015, the Exhibit 6 document, falsely 13 stated in the "Additional Just. Homicide 14 Description" section that McDonald, "attacked 15 16 officer, that officer killed criminal." 17 What is your response to that 18 allegation? That allegation is false. The report 19 20 does state the wording -- the verbiage that's in quotes. This is a category in the computer 21 system where, when you're reporting a 22 justifiable homicide, there is an item that 23 says, "Additional Justifiable Homicide 24

```
1
     Description, " and then there is a drop-down
 2
     menu, and you only fill this out if it is a
 3
     justifiable homicide.
                Once we had determined that we were
     reporting a justifiable homicide, I had to pick
 5
     from the -- or choose from the drop-down menu
 6
     the most appropriate classification.
 7
                The report does say, Additional
 8
 9
     Justifiable Homicide Description: Criminal
10
     attacked officer, that officer killed criminal."
     Those are not my words; that is a selection I
11
     made from the drop-down menu.
12
                So the report does state that,
13
     however, again, to the best of my belief -- and
14
     it is still my opinion to this very day -- that
15
     that statement is, in fact, true. So,
16
17
     therefore, that -- my response is that the
18
     allegation that that statement is false is in
19
     itself false.
20
                I would also like to point out that
     just above the Additional Justifiable Homicide
21
     description, there is a category that says,
22
     "Just" -- abbreviation for
23
     justifiable -- "Homicide Description: Criminal
24
```

1 killed by police officer." I would like to put 2 it on the record that that item is not being 3 challenged and is not alleged to be false in this allegation, correct? The Notification of Allegations 5 Q. speaks for itself. 6 7 Okay. Directing your attention to Page 3 of 8 9 the Notification of Allegations, it is alleged 10 you obstructed justice by failing to conduct a 11 complete, thorough, properly-documented, and 12 professional investigation respecting RD Number HX475653 in the ways enumerated in allegations 13 one and two. 14 15 I won't go through all the 16 allegations listed in number one and two, but I 17 will ask you, what is your response to that 18 allegation? My response is that that allegation 19 20 is completely and utterly false. As you said, we've already addressed all of the 21 allegations -- all of the items, if you will, in 22 allegations one and two, and my response to all 23 24 of those items is that they are false and

1 erroneous. 2 And my -- because it is my belief, 3 again, to this very day that I did, in fact, conduct a complete, thorough, and properly-documented, and professional 5 investigation. And it was my firm intention all 6 the way through this to in no way obstruct 7 justice and, in fact, to bring about a just 8 9 conclusion for everyone -- or it -- yeah, a just 10 conclusion for everyone involved. MR. NEUMER: Do you have any follow-up on 11 those two allegations? 12 MR. BROWN: I do not. 13 BY MR. NEUMER: 14 At this time I'll ask you -- we have 15 Q. 16 no further questions for you. We attempt to ask 17 every relevant question. We attempt to be 18 thorough, but sometimes we fail to ask questions we should or fail to elicit information that we 19 20 should. So understanding the nature of the 21 allegations today, is there any additional 22 information you want to provide to us? 23 Yes. On Monday, 20 October, 2016 at 2.4 Α.

1 9:47 p.m., civilian Rudy Barillas called 911 to 2 report that a person now known as Laquan 3 McDonald was breaking into the trucks parked in the trucking lot at West 41st Street and South Kildare Avenue. 5 After calling 911, Barillas 6 confronted McDonald and told him to leave the 7 lot. According to both Barillas and his wife, 8 9 Yuli Garcia, who was also present in the lot, 10 McDonald "growled" at Barillas. McDonald then produced a knife and swung the knife at Barillas 11 attempting to cut him. Barillas backed up and 12 threw his cellular telephone at McDonald who 13 then fled the lot on foot. 14 15 Chicago Police Officers Thomas 16 Gaffney and Joseph McElligott were assigned to respond to Barillas' calls. The officers were 17 18 both in uniform and driving a marked police vehicle. 19 20 When they arrived at the lot, Barillas told them what had occurred. Barillas 21 gave the officers a description of McDonald and 22 told them McDonald had fled north on Kildare and 23 then east on West 40th Street --2.4

1	Q. Detective March, could I pause you
2	for just a second? I see you've got several
3	pages there. Is this do you intend to read
4	the entire statement, or can you just give me a
5	little bit of a sense of where we're going here?
6	A. You asked if I had something to add.
7	This is what I have to add.
8	Q. How many pages do we have there?
9	A. There are ten.
10	Q. Ten pages? Is it possible to
11	introduce it as Detective March Exhibit 2 as
12	opposed to reading it into the record? If you
13	want to read it, I'm not going to
14	MR. McKAY: He wants to read it.
15	MR. NEUMER: Okay.
16	MR. McKAY: It is only 4:17. It will not
17	take that long.
18	BY THE WITNESS:
19	A. I finished with, Barillas gave the
20	officers a description of McDonald and told them
21	McDonald had fled north on Kildare and then east
22	on West 40th Street.
23	The officers located McDonald walking
24	eastbound on the sidewalk on the south side of

1 40th Street from Kildare. Officer McElligott exited the police vehicle and approached 2 3 McDonald on foot. McElligott called to McDonald and told him to stop. McDonald ignored McElligott and continued walking eastbound. 5 McDonald's hands were in his pockets 6 so McElligott told McDonald to take his hands 7 out of his pockets. McDonald took his hands out 8 9 of his pockets revealing that he was holding a 10 knife in his right hand. McElligott repeatedly ordered McDonald to drop the knife, but he 11 ignored McElligott's directions. 12 As McDonald reached South Keeler 13 Avenue, Officer Gaffney notified the radio 14 dispatcher that they were following a subject 15 who was armed with a knife and requested 16 assistance from a unit equipped with a Taser. 17 The officers continued to follow 18 McDonald eastbound on the sidewalk from Keeler 19 20 Avenue. As McDonald approached South Karlov Avenue, Officer Gaffney turned his police 21 vehicle southbound onto Karlov and stopped, 22 blocking the crosswalk. 23 2.4 The area where this accident began

1 was industrial in nature, and at that time of day, almost 10:00 p.m., it was deserted. All of 2 3 the businesses were closed, and there was no vehicular or pedestrian traffic. As McDonald continued to walk eastbound, however, he was approaching South 6 Pulaski Road, a business street where more 7 civilians were present, both in vehicles and as 8 9 pedestrians and occupying the businesses on 10 Pulaski. Officer Gaffney wanted to stop 11 McDonald before he reached this more populated 12 area and put more people at risk for injury. 13 When Gaffney stopped his vehicle in the 14 crosswalk blocking McDonald's path, McDonald 15 stabbed the right front tire of the vehicle with 16 17 his knife causing the tire to go flat. Gaffney immediately informed the radio dispatcher that 18 McDonald had attacked the marked police vehicle 19 20 and had popped the tire with the knife. McDonald attempted to walk around the 21 front of the police vehicle, and Gaffney drove 22 the vehicle forward a short distance continuing 23 24 to block McDonald. At this point, McDonald

1 stabbed at the windshield of the marked police vehicle striking it with the knife. He then was 2 3 able to get around the vehicle and continued eastbound on the sidewalk from Karlov. At 40th Street and Pulaski Road on the southwest corner was a Burger King 6 restaurant with a large parking lot. As 7 assisting police units approached westbound on 8 9 40th Street from Pulaski, McDonald ran eastbound 10 through the parking lot on the north side of the Burger King restaurant building. 11 In the restaurant parking lot, 12 Chicago Police Officers Joseph Walsh and Jason 13 14 Van Dyke were in the first responding assist unit. They took over the pursuit of McDonald 15 through the parking lot. These officers were 16 17 also in uniform and driving a marked police vehicle. 18 19 Walsh, who was driving their vehicle, 20 positioned the vehicle between McDonald and the restaurant building to keep McDonald from 21 entering the restaurant. McDonald ran through 22 the parking lot and out onto Pulaski Road. He 23 2.4 turned southbound and began to walk in the

1 southbound lanes of the street. Officer Walsh pursued McDonald with 2 3 the police vehicle. As McDonald continued southbound, Walsh positioned his vehicle between McDonald and a Dunkin' Donuts restaurant on the 5 east side of Pulaski Road. 6 When the police vehicle was alongside 7 McDonald, Officer Van Dyke opened his door to 8 9 exit the vehicle and confront McDonald. Walsh, 10 realizing they were too close to McDonald to safely exit the vehicle, told Van Dyke to wait 11 until they were further ahead of McDonald. 12 Officers Walsh and Van Dyke drove 13 further south on Pulaski and stopped the police 14 vehicle ahead of McDonald. Walsh and Van Dyke 15 both exited their vehicle and drew their 16 handguns. The officers stood in the street 17 facing northbound toward McDonald. Both 18 officers were in uniform standing next to their 19 20 marked police vehicle. As McDonald approached southbound, he 21 was holding the knife in his right hand in an 22 underhand grip with the blade pointed forward. 23 2.4 As he walked towards the officers, he swung the

1 knife in an aggressive, exaggerated manner. 2 Both officers ordered him to drop the knife 3 multiple times. McDonald ignored these directions and continued to advance towards the officers with the distance between McDonald and 5 the officers decreasing. 6 When McDonald got to within 10 to 7 15 feet of the officers, he looked toward the 8 9 officers, squaring his shoulders in their 10 direction. He raised the knife pointing it at 11 the officers. Officer Van Dyke, believing McDonald 12 was attacking Van Dyke with the knife, 13 attempting to kill Van Dyke, fired his handgun 14 in self-defense -- or in defense of his life to 15 16 stop the attack. 17 McDonald fell to the ground but continued to move and continued to grasp the 18 knife refusing to let go of it. Van Dyke 19 20 continued to fire his weapon at McDonald as McDonald was on the ground as Van Dyke thought 21 McDonald was attempting to get up, all the while 22 continuing to point the knife at Van Dyke. 23 Van Dyke fired his pistol until the 2.4

	slide of the weapon locked in the rearward
2	position indicating the weapon was empty.
3	Van Dyke immediately loaded his weapon with a
4	new magazine and assessed the situation.
5	McDonald was no longer moving and the
6	threat had been mitigated, so the officers
7	approached McDonald. McDonald was still holding
8	the knife in his right hand, and both officers
9	continued to order him to drop the knife.
10	Finally, Officer Walsh was able to approach
11	McDonald and forcibly kick the knife out of his
12	hand.
13	An ambulance was then requested for
14	McDonald. He was transported to Mount Sinai
15	Hospital and subsequently expired from his
16	wounds.
17	During the course of this
	1
18	investigation, a canvass was conducted of the
18 19	area near the scene for witnesses of this
19	area near the scene for witnesses of this
19 20	area near the scene for witnesses of this incident, including the Burger King restaurant
19 20 21	area near the scene for witnesses of this incident, including the Burger King restaurant and the Dunkin' Donuts restaurant.

involved in this incident: The Dunkin' Donuts 1 restaurant and the Greater Chicago Food 2 3 Depository. All of these videos, in my opinion, were consistent with the statements of witnesses in this case. 5 Additional video was recovered from 6 other sources, including the Burger King 7 restaurant. These video recordings did not 8 9 contain any video footage relevant to this 10 investigation. 11 It should be noted that five police units had responded to this incident by the time 12 Officer Van Dyke fired his handgun at Laquan 13 McDonald. Each of these units contained two 14 15 officers. All five police vehicles were marked vehicles, and all ten police officers at or near 16 17 the scene were in uniform. 18 There can be no doubt that McDonald knew the personnel he was interacting with were 19 20 Chicago Police Officers. Multiple officers issued verbal directions multiple times for 21 McDonald to drop the knife with which he was 22 armed. 23 At any time, McDonald could have 2.4

```
chosen to follow the lawful directions of the
 1
     officers to drop the knife and this incident
 2
 3
     would have ended with no harm to anyone
     involved.
                Some relevant state law needs to be
     cited to understand the findings of this
 6
     investigation. "720 ILCS 5/7-7, Private persons
 7
     use of force in resisting arrest. A person is
 8
 9
     not authorized to use force to resist an arrest
10
     which he know is being made either by a peace
     officer or by a private citizen summoned and
11
     directed by a peace officer to make the arrest
12
     even if he believes the arrest is unlawful and
13
     the arrest, in fact, is unlawful."
14
          MR. McKAY: For the record, we're
15
     submitting Dave March Exhibit 2 for the record a
16
17
     copy of which has been tendered to you.
          MR. NEUMER: Can we hang on to this?
18
          MR. McKAY: Yes, that's for you. We want
19
20
     this made part of the official regarding
     Detective March.
21
                (WHEREUPON, a certain document was marked
22
                D. March Exhibit No. 2, for
23
                identification, as of 04/27/2016.)
2.4
```

BY THE WITNESS:

A. "720 ILCS 5/7-5. Peace officers use of force in making arrest. A, a peace officer or any person whom he has summoned or directed to assist him need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest."

"He is justified in the use of any force which he reasonably believes necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest."

"However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person or when he reasonably believes both that: One, such force is necessary to prevent the arrest from being defeated by resistance or escape and; two, the person to be arrested has committed or attempted a forcible felony which involved the infliction

```
or threatened infliction of great bodily harm or
 1
 2
     is attempting to escape by use of a deadly
 3
     weapon or otherwise indicates that he will
     endanger human life or inflict great bodily harm
     unless arrested without delay."
 5
          MR. McKAY: For the record, we're
 6
     submitting Dave March Exhibit 3, a copy of which
 7
     has been tendered to both of you.
 8
 9
          MR. NEUMER: Really quickly, is it possible
10
     at the end of this to incorporate the
     document -- well, either the document or a copy
11
     of the document Detective March is reading
12
     into -- as an exhibit as well?
13
          MR. McKAY: That's fine. We have no
14
     objection to that, and we'll mark it as an
15
     additional exhibit, but he'd like to read it for
16
17
     purposes of this hearing.
          MR. NEUMER: Keep going.
18
                (WHEREUPON, a certain document was marked
19
20
                D. March Exhibit No. 3, for
                identification, as of 04/27/2016.)
21
     BY THE WITNESS:
22
                "720 ILCS 5/2-8, forcible felony.
23
          Α.
     Forcible felony means treason, first degree
24
```

1 murder, second degree murder, predatory criminal 2 sexual assault of a child, aggravated criminal 3 sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnapping, 5 kidnapping, aggravated battery resulting in 6 great bodily harm or permanent disability or 7 disfigurement, and any other felony which 8 9 involves the use or threat of physical force or 10 violence against an individual." 11 MR. McKAY: For the record, we're submitting Dave March Exhibit 4, the statute on 12 what a forcible felony means, a copy of which 13 has been tendered to the both of you. 14 15 (WHEREUPON, a certain document was marked D. March Exhibit No. 4, for 16 identification, as of 04/27/2016.) 17 18 BY THE WITNESS: 19 Laquan McDonald was committing a Α. 20 burglary in the trucking lot when he was confronted by Rudy Barillas. When he produced a 21 knife and attacked Barillas with a knife, he 22 attempted to commit first degree murder or 23 aggravated battery resulting in great bodily 2.4

harm, and armed robbery, all of which are 1 2 forcible felonies. 3 As stated in the previously-cited state statutes, Laquan McDonald had absolutely no right or authority to resist being arrested 5 by people he knew to be peace officers. When he 6 ignored the verbal directions of Officer 7 McElligott to stop and drop the knife he held in 8 9 his hand as he walked away from McElligott. 10 McDonald became an offender who had attempted to commit a forcible felony which 11 involved the infliction or threatened infliction 12 of great bodily harm, use of a deadly weapon 13 after having already indicated he would endanger 14 human life or inflict great bodily harm unless 15 16 arrested without delay. 17 Under these circumstances I believe Illinois law permitted the use of deadly force 18 by the officers attempting to arrest McDonald. 19 20 McDonald continued to attempt to escape arrest by the use of a deadly weapon when 21 he attacked the police vehicle occupied by 22 Officer Gaffney, again using a deadly weapon 23 further indicating he would endanger human life 2.4

```
1
     or inflict great bodily harm unless arrested
 2
     without delay.
 3
                Again, under these circumstances, I
     believe the law permitted the use of deadly
 4
     force by the officers attempting to arrest
 5
     McDonald.
 6
                When Officer Van Dyke finally
 7
     confronted McDonald on Pulaski Road, Van Dyke
 8
 9
     was aware of these previous circumstances from
10
     the transmissions he monitored on the police
     radio. By law, Van Dyke was justified in using
11
     deadly force to effect the arrest of McDonald as
12
     soon as Van Dyke exited his police vehicle.
13
                However, Van Dyke instead attempted
14
     to arrest McDonald without using deadly force by
15
16
     first drawing his handgun and verbally directing
     McDonald to drop the knife. McDonald ignored
17
18
     these directions and continued to advance toward
    Van Dyke with the distance between McDonald and
19
20
     Van Dyke decreasing.
                It was not until McDonald turned
21
     directly toward Van Dyke, squaring his shoulders
22
     toward the officer, and raised his knife
23
     pointing it at Van Dyke that Van Dyke, in
24
```

defense of his life, used deadly force to 1 2 prevent death or great bodily harm to himself. 3 The Chicago Police Department policy on the use of force is the other authority in 4 this matter. General Order G03-02-01 entitled 5 "The Use of Force Model" states, "The Department 6 utilizes a use of force model to provide 7 quidance on the appropriate amount of force to 8 9 be used to effect a lawful purpose." 10 "The use of force model employs the progressive and reasonable escalation and 11 de-escalation of member-applied force in 12 proportional response to the actions and level 13 of resistance offered by a subject. Such 14 15 response may progress from the member's actual 16 presence at the scene to the application of 17 deadly force." MR. McKAY: At this time we're submitting 18 into the record an exhibit we've marked Dave 19 20 March Exhibit 5, a copy of which has been tendered to the both of you regarding the 21 General Order of use of force model which is 22 General Order G03-02-01. 23 2.4

```
1
                (WHEREUPON, a certain document was marked
 2
                D. March Exhibit No. 5, for
 3
                identification, as of 04/27/2016.)
     BY THE WITNESS:
 4
                This directive also states, "Members
          Α.
     are not required to start at the lowest levels
 6
     of the use of force model. They will select the
 7
     appropriate level of force based on the
 8
 9
     subject's actions."
10
                "The use of force model is a graphic
     representation of the guidelines for the
11
     appropriate use of force in relation to the
12
     actions of a subject."
13
                The use of force model graphic -- the
14
     use of force model graphic basically shows a
15
    proportional use of force response to the
16
17
     actions of a subject. It shows that
18
     insufficient force used by a department member
     will result in "probable ineffective control";
19
20
     While too much force used by a department member
     will result in "probable excessive control."
21
                In the use of force model graphic for
22
    an "assailant" whose "actions will likely cause
23
     death or serious physical injury," such as
24
```

```
1
     Laquan McDonald in this incident, all force
     options are available to an officer.
 2
 3
                However, the graphic shows that
     "firearms and other lethal force" are most
 4
     likely to be effective. The graphic shows very
 5
     little chance of "probable excessive control"
 6
     against this type of assailant.
 7
                General Order G03-02-03 entitled,
 8
 9
     "Deadly Force" states, "Roman numeral II,
10
     Department Policy, A: A sworn member is
     justified in using force likely to cause death
11
     or great bodily harm only when he or she
12
     reasonably believes that such force is
13
14
     necessary; one, to prevent death or great bodily
     harm to the sworn member or to another person
15
     or; two, to prevent an arrest from being
16
17
     defeated by resistance or escape and if a sworn
     member reasonably believes that the person to be
18
     arrested, A, has committed or attempted to
19
20
     commit a forcible felony which involves the
     infliction, threatened infliction, or threatened
21
     use of physical force likely to cause death or
22
     great bodily harm or; B, is attempting to escape
23
     by use of a deadly weapon or; C, otherwise
2.4
```

```
indicates that he or she will endanger human
 1
 2
     life or inflict great bodily harm unless
 3
     arrested without delay."
          MR. McKAY: At this time we're submitting
     into the record Dave March Exhibit 6, a copy of
 5
     which has been tendered to the both of you
 6
     gentlemen. This is General Order G03-02-03,
 7
     General Order regarding deadly force.
 8
 9
                (WHEREUPON, a certain document was marked
10
                D. March Exhibit No. 6, for
                identification, as of 04/27/2016.)
11
     BY THE WITNESS:
12
                This department policy mirrors the
13
          Α.
     applicable state law cited previously.
15
                During the course of this
16
     investigation, a number of facts were learned
17
     about Laquan McDonald. First, he had an
     extensive criminal history with the Chicago
18
     Police Department. At the age of 17, he had
19
20
     been arrested 26 times. Charges for these
     arrests included aggravated battery to a peace
21
22
     officer, resisting arrest, battery, assault,
     reckless conduct, possession of a controlled
23
24
     substance, and possession of cannabis.
```

MR. McKAY: At this time we're submitting
into the record Dave March Exhibit 7, the
official criminal history report of Laquan
McDonald. It is ten pages long reflecting all
26 arrests of Laquan McDonald, a copy of which
has been given to the both of you gentlemen.
(WHEREUPON, a certain document was marked
D. March Exhibit No. 7, for
identification, as of 04/27/2016.)
BY THE WITNESS:
A. Second, McDonald had a history of
mental health issues. When notified of
McDonald's death, his uncle informed detectives
that McDonald had been prescribed medication but
had stopped taking it because he did not like
the side effects.
There were two documented incidents
where McDonald had exhibited behavior problems
while at school, became violent, and school
officials called the police. In both of these
incidents, he was transported to Hartgrove
Hospital for evaluation and treatment.
The third, the results of the
toxicological examination conducted during the

```
1
     autopsy of McDonald revealed the presence of
 2
     phencyclidine, or PCP, in his blood.
 3
                We will never know what motivated the
     actions of Laquan McDonald during this incident.
 4
     Whether he was a violent criminal intent on not
 5
     being apprehended, whether he was in the midst
 6
     of a mental health crisis, whether he was under
 7
     the influence of a mind-altering drug, or any
 8
 9
     combination of the three.
10
                In any case, in the situation the
     police officers encountered dealing with
11
     McDonald, he was never contained and never
12
     communicated with anyone he encountered.
13
                Under such circumstances, the
14
15
     subject's motivation is a moot point. A violent
16
     criminal, a person in the midsts of a mental
17
     health crisis, and a person under the influence
     of any substance armed with a deadly weapon are
18
     all equally dangerous and deadly to both the
19
20
     police and the civilian population.
                Some talk about de-escalation
21
22
     techniques as an alternative to deadly force. I
     am a member of the Department's Crisis/Hostage
23
2.4
     Negotiation Team. I have received training from
```

1 the Federal Bureau of Investigation and have attended the Department's Crisis Intervention 2 3 Team, CIT, training. In order to have any chance at successfully using de-escalation techniques to 5 resolve a situation, whether it involves a 6 violent criminal, person with a mental health 7 history in crisis, or a person under the 8 9 influence of any substance, first, the person 10 and the situation must be contained; and, second, there must be communication. 11 In this incident, Laquan McDonald was 12 never contained, as he continued to walk down 13 the street during the entire incident, able to 14 attack anyone at any time. He also never 15 communicated with anyone, from his first contact 16 17 with Rudy Barillas through his contact with multiple police officers. 18 19 I do not believe anyone knows more 20 about what happened in this incident than I do. I was at the scene shortly after it occurred and 21 have personally spoken to all of the police 22 officers involved. 23 As the primary detective assigned to 2.4

```
1
     this investigation, I was aware of all the
     actions taken during this investigation and
 2
 3
     personally in contact with all personnel
     participating in these actions.
                Many people have commented on this
     incident in the time since it occurred. I have
 6
     been asked a number of times if I knew that
 7
     night at the scene if this shooting incident was
 8
 9
     going to be a problem. My response has always
10
     been that the actions of all of the police
     officers involved in this incident were
11
     absolutely proper. To this day, I believe this
12
     to be true.
13
                There are two issues at the heart of
14
     this matter. The first is the use of deadly
15
     force by Officer Jason Van Dyke. For the
16
     reasons previously stated, I believe and
17
     continue to believe that his use of deadly force
18
    was permitted by Illinois law and Chicago Police
19
20
     Department policy.
                The second is the number of shots.
21
    As soon as most people hear that a 17-year-old
22
     offender armed with a knife was shot 16 times,
23
     their first instinct might be to think this
24
```

```
1
     excessive. Without knowing and understanding
     all of the specific details of this particular
 2
 3
     incident, this is understandable. One needs to
     consider the "totality of the circumstances," as
     the law refers to it, to make an informed,
 5
     educated, and intelligent conclusion.
 6
                There will always be a segment of the
 7
     population that has an unrealistic expectation
 8
 9
     of police officers. They will question why the
10
     police shot and killed an offender instead of
     shooting the weapon out of his hand. They will
11
     never understand the reality of the situation.
12
                Fortunately for many they have not
13
     had the experience of putting on a uniform,
14
     whether it be as a member of the military
15
     service or as a police officer and putting their
16
     life on the line in a violent confrontation.
17
                Police officers, including Chicago
18
     Police Officers, are trained that, during the
19
20
     stress of an armed confrontation, the fine motor
     skills required for the highest levels of
21
     accuracy in firing a handgun deteriorate.
22
     Officers are trained to shoot for "center mass,"
23
     the torso area of an assailant, as this is the
24
```

1 largest area, giving one the greatest chances of 2 success. 3 Also, officers are trained specifically not to fire just one shot and then 4 check to see if it was effective. It is very 5 easy under the stress of the situation to miss 6 the target. And even if one hits the target, 7 firearms are not a quaranteed solution. There 8 9 have been many instances of officers shot -- I 10 misstated that -- there have been many instances of offenders shot multiple times who continued 11 their attacks. 12 Officers are trained to shoot as long 13 as they perceive a threat until the threat is 14 15 eliminated. This is the key in this situation. Officer Van Dyke explained that he fired his 16 17 handgun at McDonald because McDonald was 18 attacking Van Dyke with a knife. Van Dyke continued to fire his weapon at McDonald as he 19 20 was on the ground because McDonald continued to move and continued to grasp the knife, 21 continuing to point it at Van Dyke. Van Dyke 22 explained that he believed McDonald was 23 attempting to get up and continue his attack on 2.4

1 Van Dyke. 2 We need to remember that we have the 3 benefit of making our judgment at the conclusion -- at the end of this investigation. We have a lot more facts at our disposal than 5 Jason Van Dyke did that night. 6 When Laguan McDonald attacked him and 7 Jason Van Dyke began firing his weapon, he --8 9 each shot was not registering in his mind as a 10 hit or a miss. He didn't know for certain if each bullet was striking McDonald. He didn't 11 know where the bullets were striking McDonald 12 for certain. He didn't know how seriously 13 McDonald was being injured by any bullets that 14 15 did strike his person. The only thing Jason Van Dyke knew 16 17 for certain was that, as he fired his weapon, 18 Laquan McDonald fell to the ground. The only 19 thing that Jason Van Dyke could be certain about 20 at that point was that at least one round that he fired had struck McDonald because obviously 21 McDonald had been injured and fell to the 22 ground. 23 2.4 As McDonald was down on the ground

```
1
     continuing to move, continuing to grasp that
 2
     knife and point it at Jason Van Dyke, Van Dyke
 3
     didn't know if he was shot once or twice or
     how -- again, how seriously he was injured.
                From Van Dyke's perspective, it was
     perfectly reasonable to believe that it was
 6
     still possible for Laquan McDonald to continue
 7
     his attack. And that is one of the reasons why
 8
 9
     the number of shots that were fired were, in
10
     fact, fired.
                Jason Van Dyke had no idea -- no way
11
     to reasonably know how many times McDonald had
12
     been struck by the gunfire, where those bullets
13
     struck him, or how serious any of his injuries
14
     were. As long as Laquan McDonald continued to
15
     move while he was on the ground, continued to
16
17
     grasp that knife, and continued to point that
     knife at Van Dyke, it was reasonable for
18
     Van Dyke to assume -- or conclude, I should say,
19
20
     that McDonald was still a threat.
                Officer Van Dyke was not wearing a
21
     body camera, and there is no video footage
22
     showing the perspective of what Van Dyke saw as
23
2.4
     he confronted McDonald. However, the video
```

```
1
     footage that was recovered in this investigation
 2
     clearly shows that McDonald did, in fact,
 3
     advance toward Van Dyke.
                From the time Van Dyke exited his
     vehicle until the time he fired his handgun, the
 5
     distance between Van Dyke and McDonald
 6
     decreased.
 7
                When McDonald fell to the pavement,
 8
 9
     he continued to move, continued to grasp the
10
     knife, and continued to point the knife at
     Van Dyke. Even after having been shot 16 times,
11
     McDonald continued to grasp the knife and point
12
     it at Van Dyke.
13
                McDonald did not relinquish his
14
     weapon until Officer Walsh forcibly kicked it
15
16
     from McDonald's hand. That is conclusively
     shown in the video.
17
                And another point that needs to be
18
     realized is, you didn't see Officer Walsh bend
19
20
     down to take the knife from McDonald's hand. He
     didn't bend down and take McDonald by the wrist
21
     to attempt to take him into custody and handcuff
22
     him. Why? Because he still saw McDonald was
23
     grasping that knife, pointing it in the
2.4
```

24

direction of the officers. 1 And Walsh at that point still wasn't 2 3 certain that McDonald couldn't continue his attack. So what did he do? In the safest manner possible, he took his big, heavy boot and 5 used that to kick the knife out of McDonald's 6 hand just in case McDonald was still capable of 7 trying to injure someone with that knife. 8 9 This video evidence is consistent -that shows the frame of mind Officer Walsh still 10 had at the time when he kicked the knife out of 11 McDonald's hand. 12 This video evidence is consistent 13 with Van Dyke's statement. In fact, it should 14 be noted that, per the autopsy conducted by the 15 Office of the Medical Examiner of Cook County, 16 17 McDonald was shot three times in the right arm and once in the right hand and still continued 18 to grasp the knife with his right hand. 19 20 Everyone is certainly entitled to their opinion. People can debate until the end 21 22 of time whether or not they would have handled this situation in the same manner or whether 23 this was the best way to handle the situation.

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```
1
     However, in my opinion, according to Illinois
 2
     law and Chicago Police Department policy, the
 3
     actions of Officer Jason Van Dyke were
     justified.
                Most police actions in serious
     incidents such as this are not the work of a
 6
     single officer but of multiple officers working
 7
     together as a team. This is exactly what
 8
     occurred in this incident. Officers of the
 9
     8th District -- primarily Officers Gaffney,
10
     McElligott, Walsh, and Van Dyke -- responded in
11
     a team effort to a call for service from a
12
     civilian who had been the victim of a forcible
13
     felony.
14
15
                As a team, the officers exercised
16
     extraordinary restraint in dealing with Laquan
17
     McDonald, attempting to use the least amount of
     force necessary to take him into custody and
18
     place him under arrest.
19
20
                The officers, all of whom were in
     uniform, first used, quote/unquote, "social
21
     control/police presence" and "verbal control."
22
                Officer McElligott used these force
23
     options when he first encountered McDonald.
24
```

```
1
     McElligott exited his marked police vehicle in
 2
     uniform and first directed McDonald to stop.
 3
     McDonald ignored this direction.
                When McDonald took his hands out of
    his pockets, revealing that he was armed with a
 5
     knife, McElligott ordered McDonald multiple
 6
     times to drop the knife. Again, McDonald
 7
     ignored McElligott.
 8
 9
                Officer Gaffney then requested a unit
10
     with a Taser over the radio -- over the police
     radio. This was appropriate since at this point
11
     McDonald was in a deserted area and there was no
12
     risk to any civilians. Officers Walsh and
13
     Van Dyke were aware of these actions, as they
14
     monitored the transmissions on the police radio.
15
                As McDonald fled on foot through the
16
17
     Burger King restaurant parking lot, he was
     entering a more populated area along Pulaski
18
     Road, a business street with vehicular traffic,
19
20
     pedestrians, and open businesses occupied by
     civilians, all of whom were now at risk.
21
                This is why Officer Walsh used his
22
     police vehicle to block McDonald's path, first
23
24
     toward the Burger King and then towards the
```

1 Dunkin' Donuts restaurant. When Officers Van Dyke and Walsh 2 3 stopped and exited their vehicle to confront McDonald, it was because the threat to the public had escalated in this more populated 5 environment. This threat continued to escalate 6 as McDonald walked southbound. 7 The two officers both exited their 8 9 marked police vehicle in uniform, drew their 10 handguns, pointed their weapons at McDonald, and ordered him multiple times to drop his knife. 11 They made every effort to arrest McDonald 12 without using deadly force. Again, McDonald 13 ignored any verbal direction from the officers. 14 Finally, with McDonald closing the 15 distance between himself and the officers, when 16 he turned toward the officers and raised his 17 knife pointing it at them, Van Dyke, seeing no 18 other option, in defense of his life, fired his 19 20 handqun at McDonald. The decision to confront McDonald at 21 22 that time and at that location was tactically sound. As noted, the risk to the nearby 23 civilian population was increasing as McDonald 24

1 proceeded north -- southbound on Pulaski. At that particular location, though, there were no 2 3 civilians immediately placed at risk by the confrontation with the armed McDonald. was also not a large number of police officers 5 around McDonald, minimizing the risk of a 6 crossfire situation if deadly force became 7 8 necessary. 9 Also, the background behind McDonald 10 toward which Officer Van Dyke fired his handgun was a large vacant lot followed by industrial 11 buildings that were either vacant or minimally 12 occupied. Again, if the use of firearms became 13 necessary, the risk of harm to any other 14 15 individuals was minimal. This entire counter -- this entire 16 17 encounter between the police and Laquan McDonald, from Officer McElligott's first 18 contact on 40th Street until Officer Van Dyke 19 20 fired his weapon, lasted more than four minutes as indicated by the police radio transmissions. 21 During that time, McDonald traveled on foot more 22 than four city blocks. For a police encounter 23 2.4 with an armed subject who was not contained,

1 this was a long period of time. McDonald was given a great deal of 2 3 latitude in terms of movement before the police decided they could wait no longer and needed to take action to stop McDonald to protect the 5 public who were becoming more and more at risk. 6 That is when Officer Van Dyke and Walsh acted. 7 MR. McKAY: At this time we're going to 8 9 submit into the record Dave March Exhibit 8, a 10 copy of which has been given to both you gentlemen. It is a Google aerial photo that 11 indicates all of the locations involved in this 12 particular incident. 13 At this time, Detective March is 14 going to indicate by the words "truck yard" the 15 location where Rudy Barillas was attacked and 16 subsequently called 911. 17 THE WITNESS: (MARKING ON EXHIBIT.) 18 MR. McKAY: For the record, Detective March 19 20 is placing the words, "truck yard" on Dave March Exhibit 8. 21 Now Detective March is going to 22 indicate by way of a directional line, an arrow, 23 the path that Laquan McDonald took after he had 2.4

```
1
     attacked Mr. Barillas from that truck yard.
 2
          MR. NEUMER: Jim, really quick, with
 3
     respect to this photo, is this a Google Maps
     photo?
          MR. McKAY: Yes.
          MR. NEUMER: And was this produced
 6
     recently -- or was this produced off Google
 7
 8
     recently?
 9
          THE WITNESS: Yes.
10
          MR. NEUMER: So is this -- and I'm not -- I
     think it probably does -- I haven't looked at it
11
     too closely, but I'm guessing it looks pretty
12
     generally similar to the way it was --
13
          THE WITNESS: I can't -- don't know when
14
     this photo was -- I printed it just days ago.
15
16
     can't say when it was the photo was taken.
17
                It does portray everything -- all of
     the major landmarks that were in place on the
18
     night of the incident, the truck yard, the
19
20
     streets are all the same, the Burger King
     restaurant, the Dunkin' Donuts restaurant, the
21
     Greater Chicago Food Depository where video was
22
     recovered. Those are all on here, and they
23
2.4
     haven't moved.
```

```
1
          MR. NEUMER: I just wanted to figure out
 2
     where...
 3
          MR. McKAY: For the record, Detective March
     is placing a line with a directional arrow
 4
     indicating the path that Laquan McDonald took
 5
     from that truck yard eastbound on 40th Street,
 6
    past the Greater Chicago Food Depository.
 7
                And then at 40th Street, near the
 8
 9
     Burger King, he -- directional line goes in a
10
     southeasterly direction to Pulaski Road --
11
          THE WITNESS: I'm not going to go
     southwest, southeast. It's a small map. I'm
12
     just going to draw one line straight.
13
          MR. McKAY: The line is now southbound on
14
15
     Pulaski --
16
          THE WITNESS: I don't mean to misrepresent
17
     anything.
          MR. McKAY: And with a circle, indicate the
18
     area where the shooting took place,
19
20
     approximately.
          THE WITNESS: A circle?
21
          MR. McKAY: Yes, sir.
22
                I ask this be submitted for the
23
24
     record.
```

```
1
                (WHEREUPON, a certain document was marked
 2
                D. March Exhibit No. 8, for
 3
                identification, as of 04/27/2016.)
          MR. McKAY: The court reporter's is a clear
     copy. Gentlemen, I ask you to take a look at it
 5
     so you know exactly what Detective March has
 6
     indicated on Dave March Exhibit 8. Your Xerox
 7
     copy obviously is not as clear as this.
 8
 9
     All right?
10
          MR. NEUMER: All right.
          MR. McKAY: Thank you.
11
          THE WITNESS: Would you like a clean copy?
12
          MR. McKAY: If you've got one, sure.
13
          THE WITNESS: And this is the same exact
14
     photo that I printed up.
15
     BY THE WITNESS:
16
                It should be noted that at the time
17
     Van Dyke fired his weapon, of the ten officers
18
     present near the scene of this incident, none
19
20
     was equipped with a Taser.
                It should also be noted that many
21
     use-of-force experts and defensive tactics
22
     instructors would say that a Taser was not the
23
24
     appropriate use of force against an assailant
```

1 armed with a knife, especially one who had 2 already displayed a willingness to use a knife. 3 This is because per Chicago Police Department policy, the use of a Taser would 4 require an officer to get within 18 feet of a 5 subject; the optimum effective range of the 6 Department's Tasers being 7 to 15 feet. 7 would put the officers too close to the 8 9 assailant, especially if the Taser was 10 ineffective, with insufficient time to transition to his firearm to defend himself. 11 A Taser, like a firearm, is not a 12 quaranteed solution. The same variables exist 13 with this force option. Two projectiles or 14 probes connected to the Taser by wires must 15 both -- must both effectively engage the target 16 17 who may be moving. One or both of the probes could miss 18 the target. Thick or multiple layers of 19 20 clothing can prevent one or both probes from effectively engaging the target. If both probes 21 do not engage the target effectively, the Taser 22 will have no effect at all. 23 Additionally, even if the officer is 2.4

```
1
     able to successfully deploy the Taser against a
 2
     subject, there is no guarantee it will be
 3
     totally effective and stop the subject.
          MR. McKAY: At this time we're submitting
     into the record Dave March Exhibit 9, a CPD
 5
     Education and Training Division handout
 6
     regarding Taser X2 training, which was revised
 7
     December 2012, a copy of which has been tendered
 8
 9
     to both of you gentlemen.
10
                (WHEREUPON, a certain document was marked
                D. March Exhibit No. 9, for
11
                identification, as of 04/27/2016.)
12
    BY THE WITNESS:
13
                One claim made by many who have been
14
     critical of Officer Van Dyke is that there were
15
     ten officers on the scene of this incident and
16
     only one fired his weapon. It is opined that
17
     since the other nine officers did not see a need
18
     to fire their handguns, Van Dyke was wrong and
19
20
     did not need to fire his weapon.
                Again, one needs to consider the
21
     "totality of the circumstances" to make an
22
     informed, educated, and intelligent conclusion.
23
                Of the ten officers, five of
2.4
```

them -- Officers Gaffney, Sebastian, Mondragon, 1 Bacerra, and Velez -- were still in their police 2 3 vehicles and were not in position to even see who fired the gunshots. Officer McElligott, who had originally been following McDonald on foot, was 6 unable to keep up with McDonald and was not in a 7 position to see who fired the gunshots. 8 9 Officers Fontaine and Viramontes had 10 just arrived at the scene and exited their police vehicle. They were farther away from 11 McDonald, and Officers Van Dyke and Walsh were 12 between them and McDonald. 13 Officer Walsh stated that he believed 14 McDonald was attacking Walsh and Van Dyke with 15 the knife when Van Dyke fired his handgun, but 16 17 Walsh did not fire his weapon because Van Dyke was slightly ahead of Walsh and therefore in his 18 19 line of fire. 20 This was apparent in the video evidence recovered in this investigation, and 21 that's what I pointed out when we were looking 22 at the video earlier. 23 During the entire investigation of 2.4

```
1
     this incident, I had multiple consultations with
    my immediate supervisors, including Sergeant
 2
 3
    Daniel Gallagher, Lieutenant Anthony Wojcik,
    Lieutenant Osvaldo Valdez, and commander Eugene
    Roy. During all of these consultations, I was
 5
     repeatedly told that my interpretation and
 6
    understanding of the events in this incident, as
 7
    well as my conclusions, were accurate and
 8
9
     correct.
10
                The incident commander on the night
     this incident occurred, Deputy Chief David
11
    McNaughton also agreed with this investigation,
12
    as evidenced by his approval of the Tactical
13
    Response Report submitted by Officer Jason
14
    Van Dyke where McNaughton had checked the box
15
     stating, "I have concluded that the members'
16
17
    actions were in compliance with Department
    procedures and directives."
18
19
                At the time of this approval, the
20
     in-car camera video from the police vehicles and
     the video from the Dunkin' Donuts restaurant had
21
    been recovered and reviewed by all personnel
22
     involved in this investigation, including
23
2.4
    McNaughton and personnel from the Independent
```

1 Police Review Authority. No one ever expressed 2 any reservations regarding the investigation of 3 this incident. Commander Roy and Lieutenant Valdez both personally informed me that each of them 5 had conducted separate briefings on this 6 incident at the Public Safety headquarters for 7 members of the command staff at separate 8 9 executive management meetings. 10 Both Roy and Valdez informed me that the entire command staff of the police 11 department up to and including the 12 superintendent agreed with the findings of this 13 investigation and that no one had expressed any 14 15 reservations. And I would just like to qualify 16 that by saying that, no one that was present at 17 these briefings. I can't say that every command 18 staff member was present. 19 Officer Jason Van Dyke gave his 20 statement to the Independent Police Review Authority within days of this incident and was 21 returned to full duty in his unit of assignment. 22 Another indication that no one guestioned the 23 results of this investigation. 2.4

1 Since this incident occurred, all of 2 the exempt members in my chain of command have 3 been promoted. Commander Roy was promoted to deputy chief and is now Chief of the Bureau of Detectives. Deputy Chief Anthony Riccio was 5 promoted to Chief of the Bureau of Organized 6 Crime. Chief John Escalante was promoted to 7 First Deputy Superintendent of the Department. 8 9 This investigation was conducted 10 under their supervision -- under the supervision of each of these command staff members. Now 11 they are promoted and I am under investigation 12 for separation from the Department? 13 First Deputy Escalante stated at a 14 news conference shortly after being promoted 15 that he viewed the video of this incident two 16 days after it occurred and found it "troubling." 17 As the Chief of the Bureau of 18 Detectives at the time of this incident, Chief 19 20 Escalante never communicated either directly or indirectly to his primary investigator, me, how 21 troubling he found this video. 22 As I said, no one voiced any 23 24 reservations or concerns to me regarding this

1 incident or this investigation. I was informed 2 that the entire command staff concurred with the 3 findings and conclusions of my investigation. Again, I should qualify that statement with only those that were present at 5 the executive management meeting briefings. 6 For 18 months now, I have heard 7 people criticize Officer Jason Van Dyke saying 8 9 what he did was wrong. Not once have I heard 10 anyone suggest he should have done -- I take that back. Not once have I heard anyone suggest 11 what he should have done instead of the actions 12 he did take. 13 Is it really being suggested that the 14 police should have done nothing and permitted 15 Laquan McDonald to continue on his way and not 16 17 stop him? A subject armed with a deadly weapon, 18 a knife, committed multiple criminal offenses, 19 20 including forcible felonies, ignored lawful orders from multiple uniformed police officers 21 to drop his weapon and surrender over the course 22 of more than four minutes and four city blocks 23 2.4 and continued down the street weapon in hand

```
1
     putting everyone in his path at risk.
 2
                Is it seriously being suggested that
 3
     the police should not take action against this
     subject until he gains entry to one of the
     commercial businesses along his path and
 5
     actually attacks someone actually inflicting
 6
     death or great bodily harm?
 7
                And then, in an environment where
 8
 9
     civilians are present, the police should engage
10
     this subject in a violent confrontation creating
     additional risk of injury? In my opinion, this
11
     is not responsible law enforcement.
12
          MR. McKAY: To supplement the statement
13
     Detective March has given and the exhibits
14
     already presented, Detective March submits
15
     Detective March Exhibit 10, which is the
16
17
     Illinois Compiled Statutes' definition of
     aggravated assault, which is 720 ILCS 5/12-2,
18
     which makes it a felony when a person commits
19
20
     aggravated assault armed with a knife against a
    police officer.
21
                (WHEREUPON, a certain document was marked
22
                D. March Exhibit No. 10, for
23
                identification, as of 04/27/2016.)
2.4
```

1	MR. McKAY: In addition, Detective March
2	submits as Detective March Exhibit Number 11 the
3	Illinois law regarding the definition of
4	dangerous weapon, which includes
5	Subsection C(1), armed with a dangerous weapon;
6	and C(1)(2) Category 1, Category 2, and
7	Category 3 weapons.
8	Clearly the knife found in possession
9	of Laquan McDonald is a Category 2 weapon, a
10	dangerous weapon, pursuant to Illinois law,
11	which is 720 ILCS 5/33A-1.
12	(WHEREUPON, a certain document was marked
13	D. March Exhibit No. 11, for
14	identification, as of 04/27/2016.)
15	MR. McKAY: And, in addition, Dave March
16	submits Dave March Exhibit 12, a copy of which
17	is also tendered to you gentlemen.
18	This is the Chicago Police
19	Bulletin excuse me, Chicago Officer Safety
20	Alert that Detective March was questioned about
21	yesterday. We'll make this Exhibit 12 for Dave
22	March.
23	And it shows the referenced knife
24	revolver, and that officers should take note of

```
this "revolver knife" remain cognizant of its
 1
 2
     threat to personal safety. This Officer Safety
 3
     Alert was issued in 2012.
                (WHEREUPON, a certain document was marked
                D. March Exhibit No. 12, for
                identification, as of 04/27/2016.)
 6
          MR. McKAY: Mr. Neumer, I think you asked
 7
     that Detective March's statement be made an
 8
 9
     exhibit. We have no objection to that, so I
10
     will mark this as March Exhibit 13.
                (WHEREUPON, a certain document was marked
11
                D. March Exhibit No. 13, for
12
                identification, as of 04/27/2016.)
13
          THE WITNESS: I would just like to clarify
14
     that during may recitation, if you will, I did
15
     make additional remarks that are not in the
16
17
     prepared statement.
          MR. NEUMER: Okay.
18
          THE WITNESS: So this is not intended to be
19
20
     a word-for-word verbatim copy of what I said.
          MR. NEUMER: But I think it will just help
21
22
     with the accuracy in general.
                I have a couple follow-up questions
23
     to put forth -- is it possible to --
24
```

```
1
          MR. McKAY: Can we make a copy of this for
 2
     these guys tonight?
 3
          MS. REPORTER: Yes.
          MR. McKAY: So the original will be kept by
 5
     the court reporter --
 6
          MR. NEUMER: Can I use it for purposes
     of --
 7
          MR. McKAY: Sure.
 8
 9
          MR. NEUMER: And just give me a moment
10
     because I want to ask you about a couple of the
     statements you made in here, but I'd rather
11
     quote as opposed to paraphrase, so there might
12
     be a few second's pause.
13
          THE WITNESS: Can I have a moment?
14
                (WHEREUPON, private discussion was
15
                had between Counsel and his client.)
16
          MR. McKAY: In addition, we're going to
17
18
     submit on behalf of Detective March -- and we'll
19
    mark it as Detective March
20
     Exhibit 14 -- Illinois Compiled Statute
     720 ILCS 5/7-4.
21
                This is in regards to the use of
22
     force by aggressor. This would pertain to
23
     Laquan McDonald that night. That justification
24
```

```
1
     to use force is not available to a person who,
     A, is attempting to commit, committing, or
 2
 3
     escaping after the commission of a forcible
     felony or initially provokes the use of force
     against him with the intent to use such force as
 5
     an excuse to inflict bodily harm upon the
 6
     assailant or otherwise initially provokes use of
 7
     force against him.
 8
 9
                (WHEREUPON, a certain document was marked
10
                D. March Exhibit No. 14, for
                identification, as of 04/27/2016.)
11
          MR. McKAY: With that, gentlemen,
12
     Detective March thanks you for allowing him to
13
     provide his statement and thanks you for
14
     allowing him to submit these exhibits on his
15
16
    behalf at this particular interview.
                We ask that all the exhibits be made
17
    part of the official record, in addition to the
18
     videos that you gentlemen have marked as, I
19
20
     believe it was, your Exhibit 16 and 17.
          MR. NEUMER: And with respect to those
21
    videos, I think we're going to probably have to
22
     burn a copy of the CD and provide them to the
23
2.4
     court reporter.
```

```
1
                Honestly, I don't know the process,
 2
     so we're going to do that as expeditiously as
 3
     possible and get those included in the record as
     quickly as possible, but I will admit, we'll
     have to figure out how to do that.
 5
          MR. McKAY: Thank you very much.
 6
    BY MR. NEUMER:
 7
                With respect to your statement, the
 8
          Q.
 9
    written statement that is -- which exhibit is
10
     this?
          MR. McKAY: I think it's Exhibit 13.
11
          MR. NEUMER: 13. Okay.
12
     BY MR. NEUMER:
13
                With respect to Exhibit 13 written
14
     statement on Page --
15
                I'm sorry I didn't number the pages.
16
17
     I wasn't planning to turn it in.
18
                Trying to make it difficult for us
19
     here.
20
                On Page 4, Paragraph 3, you state,
     "By law -- this is the third line of
21
     Paragraph 3, "By law, Van Dyke was justified in
22
23
     using deadly force to effect the arrest of
24
    McDonald as soon as Van Dyke exited his police
```

1 vehicle." 2 From your perspective, does that mean 3 Officer Van Dyke could have shot McDonald as soon as he exited his vehicle? 4 I think the law permits it, but Van Dyke chose, instead, to still try to arrest 6 McDonald without using deadly force. 7 In your opinion, if Van Dyke had 8 Q. 9 pulled up 25 feet away from McDonald, would he 10 still, under the law, have been justified in 11 shooting McDonald upon exiting his vehicle? Yes, I think the law permits the use 12 Α. of deadly force against a forcible felon who's 13 fleeing by the use of a deadly weapon who is --14 has shown that he's -- will continue to endanger 15 lives unless, you know, immediately captured. 16 So, yes, he was -- he -- I think he 17 would have been justified, however far away he 18 got out of the car, unless he got out of the car 19 20 so far away that it wouldn't be possible for him to make an accurate shot, and then he would act 21 22 recklessly by firing a shot. But the law does not specify how far 23 24 the threat needs to be or -- if you are a

```
1
     forcible felon who used violence or you're
 2
     escaping by use of a deadly weapon or you've
 3
     indicated that you're going to continue to
     endanger human life, unless you are immediately
     stopped, then the law permits the use of deadly
 5
     force.
 6
                Jason Van Dyke chose, made a
 7
     decision, not to do that. He chose instead to
 8
 9
     try to arrest -- apprehend and arrest McDonald
10
     without using deadly force. He was present in
     uniform, he issued verbal direction to drop the
11
     knife, and if McDonald had dropped the knife,
12
     there would have been no need to fire one
13
     gunshot, and Jason Van Dyke wouldn't have, by
14
15
     all indications.
                The only reason -- he was more
16
     lenient than the law. He was more tolerant than
17
     the law. He didn't decide to fire his weapon
18
     until he personally felt at risk when McDonald
19
20
     initiated the attack on him.
          MR. McKAY: The law he's referring to,
21
     obviously, is our Exhibit Number 3,
22
     720 ILCS Section 7-5, the use of deadly force by
23
     a peace officer in trying to effectuate an
24
```

arrest of an armed forcible felon. And it 1 2 clearly states the forcible felon is attempting 3 to escape. Gentlemen, you can either agree or disagree with Detective March when you look at 5 the video. I believe it -- McDonald is trying 6 to escape for four blocks while armed with a 7 knife. He is not complying with police commands 8 9 to drop the knife and stop. Reasonable minds 10 would suggest that he is attempting to escape 11 arrest. If you disagree with that and 12 disagree with Dave March's interpretation of the 13 law, you're entitled to do that, but if you 14 15 disagree with Dave March, that does not mean 16 Dave March's opinion is a false statement, 17 obstructs justice, or does anything else your 18 office has alleged. 19 Thank you. 20 BY MR. NEUMER: On Page 2 of your statement --21 Q. Exhibit 13 statement in the end of the third 22 23 full paragraph, last two sentences and the first sentence of the -- first sentence of the first 24

1 full paragraph, it says -- I'll go back a 2 sentence to quote -- I'm going to read a little 3 bit more to read context. "McDonald fell to the ground but 4 5 continued to move, continued to grasp the knife, refusing to let go of it. Van Dyke continued to 6 7 fire his weapon at McDonald as McDonald was on the ground, as Van Dyke thought McDonald was 8 9 attempting to go get up, all the while 10 continuing to point the knife at Van Dyke." 11 "Van Dyke fired his pistol until the slide of the weapon locked in the rearward 12 position indicating the weapon was empty. 13 14 Van Dyke immediately reloaded his weapon with a new magazine and assessed the situation. 15 16 McDonald was no longer moving and the threat had 17 been mitigated so the officers approached 18 McDonald." 19 My question to you, do you think the 20 threat posed by McDonald had been mitigated prior to Officer Van Dyke's firing of the 16th 21 shot? 22 Had the threat been mitigated prior 23 24 to the firing of the last shot?

1	Q. Yes.
2	A. Jason Van Dyke did not think it had
3	been mitigated, and I think his belief is
4	reasonable.
5	Q. With respect to I want to take you
6	back. This is jumping off a little bit about
7	counsel your counsel's comments about
8	resisting arrest.
9	Prior to Laquan McDonald hitting
10	Officer Gaffney's vehicle
11	A. Stabbing the tire?
12	Q. And stabbing the tire. As McDonald
13	was walking on 40th Street eastward when Officer
14	Gaffney's in his vehicle, Officer McElligott is
15	trailing McDonald do you know what time
16	period I'm talking about?
17	A. I believe I know what you're talking
18	about.
19	Q. And that's before the hitting of the
20	knife on the windshield, that's before the
21	popping of the tires.
22	A. Okay.
23	Q. We didn't show you the Greater Food
24	Depository Video but you've seen it?

1

2

3

4

5

6

17

18

19

20

21

22

23

24

A. Yes.

- Q. That's the time frame I'm talking about. In your opinion, would it have been appropriate -- or would it have been lawful if Officer McElligott had shot McDonald at that point.
- You're saying after McDonald removed 7 his hands from his pockets and the officers saw 8 9 that he was, in fact, armed with a knife and 10 McElligott has ordered him to stop and he ignores that -- McElligott has ordered him to 11 drop the knife and he ignores that and continues 12 on down the sidewalk holding the knife in his 13 hand, and your question is, would McElligott 14 have been justified in firing his handgun at 15 McDonald? 16

Q. Correct.

A. I think Illinois law permits that because I think -- as I said in my statement, at that point he was already an offender who had committed -- or attempted to commit a forcible felony using violence, he was attempting to escape by use of a deadly weapon, and he had already indicated by his attack on Rudy Barillas

1 that he was a danger to, you know, human life. MR. McKAY: I direct your attention to --2 3 go ahead. BY THE WITNESS: To let him continue on armed with that knife out there ready, willing, and able to 6 attack anyone would be irresponsible to not make 7 an attempt to stop him. 8 9 MR. McKAY: I direct your attention to Dave 10 March Exhibit 3, peace officer's use of force in making arrest, 720 ILCS 5/7-5, and specifically 11 the word "or". 12 "The officer can use deadly force 13 when he believes there's imminent threat of 14 death or great bodily harm against him or when 15 16 he reasonably believes both that such a force is 17 necessary to prevent the arrest from being 18 defeated by resistance or escape and the person being arrested has committed or attempted to 19 20 commit a forcible felony which involved the infliction or threatened infliction of great 21 22 bodily harm or is attempting to escape by use of a deadly weapon or otherwise indicates that he 23 2.4 will endanger human life or inflict great bodily

1 harm unless arrested without delay." 2 That law, whether you agree with it 3 or not, gentlemen, provided that option to Officer McElligott because of the word "or." Thank you. 5 BY THE WITNESS: 6 And I would like to go a little 7 further even and offer an example. 8 9 BY MR. NEUMER: 10 Q. Sure. To go to the extreme. 11 12 Q. Sure. If all Laquan McDonald had done was 13 shoplift a package of chewing gum and the police 14 were -- he was pointed out to police, "That guy 15 just stole from the store, " and the police 16 encountered him, just as Gaffney and McElligott 17 18 did, and as McElligott gets out of the car, 19 tells McDonald to stop, he ignores it; tells 20 McDonald to take his hands out of his pockets, he pulls his hands out revealing that he is, in 21 22 fact, armed with that knife in his right hand, the law says such force is -- and this is under 23 "Deadly Force," such force is -- one, "Such 2.4

1	force is necessary to prevent the arrest from
2	being defeated by resistance or escape."
3	And that goes for any arrest. It
4	doesn't have to be a felony. It doesn't have to
5	be a forcible felony. That just says any
6	arrest. It says, "Such force is necessary to
7	prevent the arrest." It doesn't say any only
8	particular crimes. And the person to be
9	arrested is attempting to escape by use of a
10	deadly weapon.
11	So if all Laquan McDonald had been
12	doing was at that moment was an offender in a
13	shoplifting case where no violence was used
14	during the commission of his crime but now he
15	was escaping by use of a deadly weapon, by
16	ignoring the police and not allowing to approach
17	him and take him into custody by brandishing
18	this knife
19	(WHEREUPON, private discussion was
20	had between Counsel and his client.)
21	MR. McKAY: Go ahead.
22	BY THE WITNESS:
23	A. And it's more clearly stated in the
24	Department policy where it's broken down the

```
1
     way it's written in the statute, it's a little
 2
     jumbled, but here the Department policy on
 3
     Page 5 --
     BY MR. NEUMER:
                Do you have an exhibit number on that
 5
 6
     one?
 7
                Well, it's the statement. It's my
 8
     statement.
 9
          Q.
                Oh, okay. Got you. Perfect.
10
                Page 5, it says, "Department Policy,"
     and then, number two, "To prevent an
11
     arrest" -- that's any arrest -- "from being
12
     defeated by resistance or escape and the sworn
13
     member reasonably believes that the person to be
14
     arrested" -- any one of those next three
15
16
     conditions. And B is, "Attempting to escape by
17
     use of a deadly weapon."
18
                So that -- it's more clearly broken
     out with the Department -- it's the same -- it's
19
20
     basically the same -- saying the same thing as
     the state law, but, visually, it's broken out
21
     better here.
22
                But it basically states for any
23
    arrest, if the arrest is being -- if a police
24
```

1 officer is attempting to arrest someone, they're 2 resisting arrest or escaping or resisting by 3 escaping and they're attempting to escape by use of a deadly weapon, the law permits the use of deadly force. That's not always the best way to 5 proceed, I will concede that, but the law does 6 permit it. 7 BY MR. NEUMER: 8 9 Q. So with respect to the various 10 scenarios we talked about, McElligott -- sorry, 11 Van Dyke getting out of his vehicle from 25 feet 12 away from McDonald and shooting him, that would be within the -- that would fall under -- within 13 the bounds of the police department's 14 15 use-of-force guidelines as well? 16 Α. Yes. 17 Q. And the same thing with --Α. The -- the --18 19 -- McElligott? Q. 20 Α. The important factor here is you have to consider the totality of the circumstances of 21 that particular incident and that particular set 22 of circumstances. 23 2.4 You can't second guess people by

2.4

saying what if this was different, what -- you 1 2 have to deal with what you know, what the police 3 officer knows at that point, and then taking into consideration all of the circumstances that are at play at that particular instant. 5 The law permits. It doesn't mean --6 like, the law permits the use of deadly force. 7 It doesn't mean that's always the best decision 8 9 to make --10 ο. Sure. -- but the law permits it. It's not 11 against the law to use deadly force. And, like 12 I said, people are entitled to their opinion and 13 they can debate to the end of time that, "This 14 is the way I would have handled it" or, "That's 15 the best way to handle it," but the law doesn't 16 17 say the police have to handle every encounter in the best possible manner. The law gives the 18 police some latitude here and says in these 19 20 instances, this is acceptable. On the second-to-last page -- I don't 21 Q. know what page it is, but the second-to-last 22 23 page of Exhibit 13 --I'll be able to find it.

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1 Q. -- you mention a couple names. And I 2 wanted to -- we haven't talked about these 3 folks, and so I wanted to ask you a couple questions. 4 First name is Deputy Chief Anthony 5 Riccio, R-i-c-c-i-o. You note that the 6 investigation was conducted under the 7 supervision of this command staff member. 8 9 was Deputy Chief Riccio's role in the McDonald 10 investigation? 11 Α. I don't know. 12 Q. Okay. My only point for bringing these 13 people up, you're already aware of what I was 14 told regarding the command staff in general. 15 I don't know about specific members, 16 17 but these individuals were directly in my chain of command. My chain of command is me, Sergeant 18 Gallagher, Lieutenant Wojcik and Lieutenant 19 20 Valdez in an equal level, Commander Roy, Deputy Chief Riccio, Chief Escalante. 21 Those are mine -- there's a lot of 22 other supervisors in the police department, and 23 24 if any of them were aware of any wrongdoing,

1 they were perfectly entitled -- and really 2 required to weigh in on the matter. 3 But these are my -- if anyone had reason -- I think, as part of their job, it's a 4 reasonable expectation that they should have 5 been aware of what was going on in this 6 investigation. 7 Q. And --8 9 Α. I worked for them. 10 Q. And I'm going to ask you some 11 questions. If you don't know the answers, you 12 don't know the answers. Do you have any understanding whether 13 Anthony Riccio had any substantive role to play 14 15 in the investigation -- in the McDonald investigation? 16 17 I have no idea. Do you know whether Anthony Riccio 18 19 watched any video of the Laquan McDonald 20 shooting prior to being -- prior to those videos being made public? 21 I don't know. 22 Α. 23 Okay. Do you know whether Anthony Q. 24 Riccio was at either of these executive

1	management meetings that we have talked about
2	earlier today?
3	A. I don't know.
4	Q. Okay
5	A. I take that back. I'm fairly certain
6	that when Lieutenant Valdez was talking about
7	his briefing at the executive management meeting
8	that he did, I think he did tell me that Riccio
9	did agree with the findings of the
10	investigation.
11	Q. Okay. Do you recall about when that
12	conversation took place, a month
13	A. That was just recently.
14	Q. Okay.
15	A. Within the last month.
16	Q. Oh, okay. And what was the prompt
17	for that conversation?
18	A. We he was talking about this whole
19	proceeding and my current status and
20	Q. And so he mentioned Riccio's name?
21	A. He mentioned he brought you
22	know, he was expressing his support, in that he
23	supported my conclusion, my investigation,
24	didn't feel I had done anything wrong. And he

1	went into the fact that he went he did his
2	briefing at the executive management meeting.
3	And I don't know for certain that
4	Riccio was present for that meeting, but he told
5	me that Riccio had voiced the opinion that he
6	was in agreement and supportive of the
7	conclusions of the investigation.
8	Q. Had Valdez told you that information
9	prior to a month ago?
10	A. The information about Riccio?
11	Q. And well, not specifically
12	A. In general about the meeting
13	Q. Yeah.
14	A he told me that before, but this
15	was a reiteration. And then he went into that
16	additional factoid, if you will, about Riccio.
17	He did not specifically mention Riccio prior to
18	that.
19	Q. Okay. John Escalante, what was his
20	role, to your understanding, in the McDonald
21	investigation?
22	MR. McKAY: Objection. As to what time?
23	Lacks some foundation.
24	

24

1 BY MR. NEUMER: 2 Q. I mean, like during the course of --3 from October 20th, 2014, to when you drafted the March 15, 2015, Case Supplementary Report, what 4 was his role? 5 I don't personally know what he did, Α. 6 but, again, he was the chief of the Bureau of 7 Detectives. He was ultimately my boss who 8 9 reported directly to the superintendent. 10 I mean, one can certainly expect that he was well aware or should have been well aware 11 of what was going on under his command, and I 12 think it would be unreasonable for anyone to 13 14 expect or any of these individuals to try to say that they had no knowledge of what I was doing. 15 They certain -- they did not have any 16 17 personal contact with me, but for them to say they had no knowledge of what was going on in 18 this investigation would seem to me to be 19 20 unreasonable or --And you made a statement, and I just 21 Q. want to make it clear for the record. Did you 22 have any personal communications from 23

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October 20th, 2014, to the time you submitted

1	the closing CSR with Deputy Chief Anthony Riccio
2	regarding the McDonald investigation?
3	A. I did not personally, but I I'm
4	pretty sure that Lieutenant Wojcik did have
5	direct communication with Deputy Chief Riccio.
6	Q. Did he tell you about those
7	conversations?
8	A. He mentioned that he talked to him,
9	but I don't know the content of their
10	conversations. But I know he was in touch
11	regarding this particular investigation.
12	Q. And same question with respect to
13	John Escalante. From October 20th, 2014, to the
14	time you submitted your summary CSR, did you
15	
_	have any personal communications with
16	have any personal communications with Mr. Escalante regarding the McDonald
16	Mr. Escalante regarding the McDonald
16 17	Mr. Escalante regarding the McDonald investigation?
16 17 18	Mr. Escalante regarding the McDonald investigation? A. No. The only thing I know about him
16 17 18 19	Mr. Escalante regarding the McDonald investigation? A. No. The only thing I know about him is what he said at his press conference. Upon
16 17 18 19 20	Mr. Escalante regarding the McDonald investigation? A. No. The only thing I know about him is what he said at his press conference. Upon being promoted to first deputy superintendent,
16 17 18 19 20 21	Mr. Escalante regarding the McDonald investigation? A. No. The only thing I know about him is what he said at his press conference. Upon being promoted to first deputy superintendent, he was asked by the media, "Well, weren't you

1 And at one point in time he -- I 2 don't know if he was asked or he just stated, 3 but he did state that he viewed the video two days after the incident occurred and found it, I think the word he used was "troubling." 5 Do you have any knowledge of whether 6 John Escalante was one of the individuals in 7 either of those executive management meetings 8 9 you discussed? 10 I do not. 11 Did you -- you mentioned that Q. 12 Lieutenant Wojcik had conversations or -- with Mr. Riccio regarding the McDonald investigation. 13 Do you know whether any -- did you ever hear of 14 15 or did anyone tell you about conversations they had with John Escalante about the McDonald 16 17 investigation? Α. No. 18 19 Anything else we should know about Q. 20 Anthony Riccio or John Escalante as it pertains to the McDonald investigation? 21 22 Α. All I can say is what I say every time I hear a news report about some high boss, 23 whether it be in a company, in the government --24

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1
     when they say, "I didn't know about it." You
 2
     know, either that doesn't seem to me to be a
 3
     truthful statement, or if they really didn't
     know what was going on, it seems to me to
     indicate some level of incompetence. But that's
 5
     my personal opinion.
 6
          MR. NEUMER: Kris, do you have any
 7
     follow-up regarding this Exhibit 13 statement?
 8
 9
          MR. BROWN: Just a little bit of follow-up.
10
     BY MR. BROWN:
11
                Correct me if I've got this wrong at
          O.
     all, but it sounds like, Detective March, your
12
     impression is that the shots that came from
13
     Van Dyke to McDonald while he was on the ground
14
     were justified because he was still holding the
15
     knife and it was pointed in a direction at
16
17
     Van Dyke and Walsh; is that correct?
                I said that Jason Van Dyke perceived
18
     him to still be a threat, and from all of the
19
20
     details evidenced in this case, I found that
    belief to be reasonable.
21
          Q.
                So if --
22
                I -- again, we don't have any video
23
24
     showing the perspective of Jason Van Dyke, so
```

1 there's an unknown here. What exactly did he see, I don't 2 3 know, but he told me facts about what -- how he perceived things, which we've gone over. in the document and in the report what he said. 5 And the video and everything else I found in my 6 opinion to be consistent with what he was 7 8 saying. 9 And if he believed that Laquan 10 McDonald was still a threat to him, then, yes, it would be reasonable for him to continue to 11 use deadly force. 12 Is it a fair expectation that just 13 Q. because McDonald was shot, that he would have 14 15 dropped the knife? He was shot 16 times and never 16 17 dropped the knife, so I don't think that's a fair expectation at all. 18 19 Q. Right. That's why I'm just -- I know 20 you can't speak for Van Dyke, but just the thought of just because a person is shot, I 21 mean, who knows if that person -- if the bullet 22 23 would make him clench the knife or make him 24 relinquish and throw the knife away.

It's -- just trying to understand 1 2 why, if he's shot, why would there still be an 3 expectation that he would relinquish the knife and no longer become a threat? 4 If there's a chance that when he's 5 shot he's going to hold the knife, there's 6 almost no way that he cannot be a threat if he's 7 just going to hold the knife when he's shot. 8 9 I know it's a long-winded --10 I don't even know how to respond to that. 11 Yeah, I know, it's just more of a --12 Q. MR. McKAY: But, Kris, you have the benefit 13 of thinking all of this out. In split seconds, 14 Van Dyke didn't have all of that time. All 15 Van Dyke had is what he saw and everything he 16 knew from radio communication. 17 BY THE WITNESS: 18 One of his gunshot wounds was to the 19 20 right hand. Even if he had been shot somewhere else in the body and that would make him 21 instinctively or reflexively grasp the knife 22 even tighter, if he's shot in the hand, I don't 23 24 see how that could possibly not make him let go

1 of the knife. 2 You know, again, my opinion from -- I 3 know what you're saying. If you're shot in the left shoulder, you might clench your right hand, 4 you know, with -- because of the pain and 5 everything, but if you're shot in the right 6 hand, I would expect that a bullet going 7 through -- into your hand would do some pretty 8 9 extensive damage to the muscles and tendons and 10 bone structure in your hand that would make it almost impossible for you -- I would think it 11 would make it more difficult for you to continue 12 to hold the knife. 13 That's possible, too, but if, you 14 know, the initial shot if it's -- maybe it's on 15 16 his left side, maybe that's the one that makes 17 him clench and maybe the shot that follows in 18 his hand --But then I would think that would 19 20 almost cause him uncontrollably to relinquish the knife. Unless he had some great desire to 21 hold on to that knife and continue his attack --22 But that's --23 Q. 24 -- which could be a reasonable

1 assumption. 2 I mean, but that's my point, though. Q. 3 We don't know --We don't know --Α. -- to hold the knife --5 Q. -- all we -- we don't know. We don't 6 know. We don't know what was going on inside 7 Laquan McDonald's mind. We don't know what his 8 9 motivation was. We don't know what he thought 10 the first time he got hit or the second time he got hit, or the 16th time he got hit. 11 What we do know is what Jason 12 Van Dyke says he perceived, and I found what he 13 perceived to be reasonable. Could a lot of 14 other things happen? I can't possibly speculate 15 on what other things could have happened. All I 16 17 can do is take what Jason Van Dyke said, compare it to everything I know about this 18 investigation, including the video, and come up 19 20 with what I reasonably conclude. And I reasonably conclude that he -- his perception 21 was reasonable. 22 Do you know of any CPD training that 23 Q. 24 informs officers to expect, when a person is

1 shot, that he will relinquish whatever he's holding? 2 3 Α. No, I think that's just a common perception. Like I said in my statement, I said people expect the police to shoot the 5 weapon -- whether it be a gun, knife -- out of 6 the bad quy's hand, right? That's a normal 7 preconception that a lot of people have, though, 8 9 right? 10 Q. Right. I mean, you have to give me that. 11 12 A lot of people do think that. Q. So if people expect the police to 13 Α. shoot the gun out of a person's hand, then 14 15 obviously they expect that when a person gets shot in the hand, they're going to relinquish 16 17 whatever weapon they have. 18 Like I said, I'm not an expert on physiology or anything. I don't know if 19 20 that's -- I don't know if there's been tests done at, you know -- hit a guy in the left hand 21 with a hammer and see what happens to his right 22 hand. I don't know. 23 All I can say is, from everything I 2.4

```
1
     was able to learn in this investigation, I found
 2
     Jason Van Dyke's beliefs to be reasonable and
 3
     his actions to be reasonable.
          MR. NEUMER: I don't think we have any more
 5
     questions.
                Just really quickly, Jim, in terms of
 6
     getting you the transcript for this, I just want
 7
     to put on the record, so we're on the same page,
 8
 9
     if we could have a business day from our receipt
10
     of it.
                And that's, again, just to ensure
11
     that if we get it at 5:00 p.m. on a Friday, that
12
     someone from our office doesn't have to come in
13
     on a Saturday. Is that a reasonable time to --
     from our receipt of the transcript to provide it
15
16
     to you?
17
          MR. McKAY: Yeah. Yeah. If you guys don't
     get it until Friday at 5:00, I don't expect to
18
     get it Friday at 5:01. But if you get it
19
20
     before -- and I don't know what Michelle is
     going to suggest off the record, but, in the
21
    perfect world, I want it the same day you guys
22
     get it.
23
2.4
          MR. NEUMER: And we will strive --
```

```
MR. McKAY: But I am at the -- I will -- I
 1
 2
     certainly want Michelle to not rush anything and
 3
     get this transcript true and accurate.
                So whenever she can finish this, I
     would like to get it. I don't expect you guys
 5
     to come in on Saturday and get it to me early
 6
     Saturday or late Friday night.
 7
                Can we go off the record and ask the
 8
 9
     court reporter when she will have the transcript
10
     completed as best as she can speculate now?
          MR. NEUMER: Sure. And there's one other
11
     note. With respect to the video, in particular
12
     the Dunkin' Donuts video, there's -- and I don't
13
     know -- I'm not a tech quy. There's a sort of
14
    proprietary software that one has to download to
15
     view this thing is my understanding. Kris, is
16
     that correct?
17
          MR. BROWN: Yes. In the video from Dunkin'
18
     Donuts -- and it's common to other businesses --
19
20
     they will have their own proprietary software
     that's related to the video. You have to
21
     install the software to play the video, and
22
     that's what applies to the Dunkin' Donuts.
23
2.4
          MR. NEUMER: And so when we provided the --
```

```
1
     and correct me if I'm wrong, but I think when we
     provided the DVD, we provided instructions as to
 2
 3
     how to download the software that allows one to
    play the file that we included on there.
                So, again, I want to put this on the
     record because I'm not exactly sure -- we
 6
     haven't been able to strictly burn a copy of
 7
     what is on that Dunkin' Donuts video --
 8
 9
          MR. McKAY: Are you saying this is Dunkin'
10
     Donuts' software?
          THE WITNESS: No, they buy a software
11
12
     program.
          MR. McKAY: "They," Dunkin' Donuts?
13
          THE WITNESS: Dunkin' Donuts or whoever,
14
     when you buy your security system. And there's
15
16
     all different kinds of programming.
17
                Rich Hagen runs into this all the
     time. Some of them use generic file formats
18
     that can be, you know, opened up in Windows
19
20
     Media Player or whatever, and then other ones
     have very strictly proprietary that you have to
21
     have their player in order to play the video.
22
          MR. NEUMER: So, again, with --
23
2.4
          THE WITNESS: Otherwise you have a disk you
```

```
1
     can use as a Frisbee.
          MR. NEUMER: So with respect to the
 2
 3
     813 Robert vehicle, I don't think there will be
     any problem making that as an exhibit --
          MR. McKAY: The entire video.
 5
          MR. NEUMER: The entire video. I don't
 6
     know, frankly -- we'll try and see what we can
 7
     do. I want to give you a heads up that we may
 8
 9
     not be able to include the Dunkin' Donuts video
10
     as an exhibit in the way probably we all
     envisioned it. And so if I have a solution,
11
     we'll find it, and we'll make it an exhibit.
12
          THE WITNESS: I would suggest if -- again,
13
     I -- I don't know what his feeling is on it, but
14
     Detective Hagen recovered that video. If you
15
     were to reach out to him, I don't know if he
16
17
     could help you with that along those lines.
          MR. NEUMER: We'll do our best.
18
     what I'll promise. I want to give Counsel a
19
20
     heads-up that --
          MR. McKAY: We've seen a copy of that video
21
     before the statement began yesterday. Obviously
22
    you used that video during your questioning with
23
24
     Detective March regarding a number of things,
```

```
1
     the backing up and so forth by Walsh and
 2
     Van Dyke. We have -- there's no surprise.
 3
                I just want to make sure that the
     official record includes that as an exhibit in
 4
     the event somebody outside that room wants to
 5
     look at all the evidence from this statement,
 6
     both yesterday and today, so that they have it.
 7
          MR. NEUMER: And maybe -- maybe what we can
 8
 9
     do at a minimum is include the file that we used
10
     and include the instructions how to download
11
     the --
          MR. McKAY: I don't have an objection to
12
     t.hat..
13
14
          MR. NEUMER: Okay.
          MR. McKAY: And at some point you, to
15
     complete the record, need to supplement the
16
     record with a Dunkin' Donuts video that has used
17
     the proprietary instructions, then that's fine,
18
     too. I don't have an objection to that as well.
19
20
          MR. BROWN: The video file that we would
    put on the disk would contain the player, so
21
     anyone who wanted to view it, they would just
22
    need to essentially install the player software
23
24
     on their computer, and then they can press play
```

```
and it will work.
 1
 2
          MR. McKAY: Okay.
 3
          MR. NEUMER: The time is 5:41 p.m., and
     we're going to go off the record. This
 4
     interview is concluded.
 5
                 (WHEREUPON, the interview was
 6
                 concluded at 5:41 p.m.)
 7
 8
 9
10
11
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13
14
15
16
17
18
19
20
21
22
23
24
```

1	CERTIFICATE OF REPORTER
2	
3	I, MICHELLE M. YOHLER, a Certified
4	Shorthand Reporter within and for the County of
5	Cook, State of Illinois, do hereby certify:
6	That previous to the commencement of
7	the examination of the witness, the witness was
8	duly sworn to testify the whole truth concerning
9	the matters herein;
10	That the foregoing interview
11	transcript was reported stenographically by me,
12	was thereafter reduced to typewriting under my
13	personal direction and constitutes a true record
14	of the testimony given and the proceedings had;
15	That the said interview was taken
16	before me at the time and place specified;
17	That I am not a relative or employee
18	or attorney or counsel, nor a relative or
19	employee of such attorney or counsel for any of
20	the parties hereto, nor interested directly or
21	indirectly in the outcome of this action.
22	
23	
24	

```
IN WITNESS WHEREOF, I do hereunto set
 1
     my hand and affix my seal of office at Chicago,
 2
 3
     Illinois, this 3rd day of May, 2016.
 4
 5
 6
                michelle Pooledi Yohlor
 7
 8
 9
10
     C.S.R. Certificate No. 84-4531.
11
12
13
14
15
16
17
18
19
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24
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	D.	1(a) 90:7	1A 129:19
Exhibits	March Exhibit N o. 9 3:17 180:5.11	1(a)(16) 129:11	1st 108:16,20
D.	·	10 148:7 186:16,23	
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OFFICE OF THE MEDICAL EXAMINER COUNTY OF COOK, ILLINOIS

REPORT OF POSTMORTEM EXAMINATION



NAME MCDONALD, LAQUAN

CASE NO. ME2014-01071

AGE 17y RACE BLACK

SEX MALE

DATE OF DEATH OCTOBER 20, 2014

DATE EXAMINED OCTOBER 21, 2014 (8:25am) EXAMINED BY Denika Means, DO

Investigator Daniel Kobel with the City of Chicago Independent Police Review Authority is present for the autopsy.

EXTERNAL EXAMINATION

The body is identified by toe tag. Photographs and radiographs are taken.

When first viewed, the body is clad in a green hospital gown. A tan rubber band encircles the right wrist. Accompanying the body is a black, hooded, zip-up sweatshirt (cut), a black with white lettering sweatshirt, blue jeans, black boxers (cut), two black shoes and two black socks. No jewelry is present. All of the clothing is relinquished to a representative of the Chicago Police Department.

The body is that of a well-developed, well-nourished, black male whose appearance is compatible with the stated age of 17 years. As received, the body weighs 180 pounds and is 72 inches long. There is good preservation in the absence of embalming. The body is warm, rigor mortis is easily broken, and lividity is not apparent.

The black scalp hair is in dreadlocks up to 5 inches long. An average amount of body hair is in a normal male distribution. The irides are brown, the corneae are clear, and there are no petechiae of the bulbar or palpebral surfaces of the conjunctivae. The ears, nose and lips are unremarkable. The teeth are natural and in good condition with absence of the upper left central incisor. The neck and chest are symmetrical, and the abdomen is flat. The external genitalia, anus and perineum are unremarkable. The extremities are well developed and symmetrical. The back is straight.

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IDENTIFYING MARKS AND SCARS

A black ink tattoo on the right upper arm reads "Quan". A black ink tattoo on the dorsum of the right hand reads "Good Son". On the dorsum of the left hand is a black ink tattoo that reads "YOLO" and has a pair of dice.

EVIDENCE OF THERAPY

An endotracheal tube is in the mouth. Intravascular lines are in the left groin and left antecubital fossa. An intraosseous line is in the left shin. A loosely sutured incision runs from the right midaxillary line to the left lateral back just inferior to the nipple line.

EVIDENCE OF INJURY

I. Multiple Gunshot Wounds:

There are 16 gunshot wounds, numbered 1 through 16 arbitrarily without regard to sequence or severity.

1. GUNSHOT WOUND OF THE LEFT SCALP:

There is a gunshot graze wound of the left parietal scalp centered 1-1/2 inches from the top of the head and 1/2 inch anterior to the superior attachment of the pinna of the left ear. The gaping wound is 1-3/4 inches long and up to 1/4 inch deep, extending to the fascia overlying the skull. The wound has no marginal abrasion, soot, or stippling.

Associated with this wound, there is mild left temporoparietal subscapular hemorrhage. Thin subarachnoid hemorrhage overlies the left temporal and parietal lobes of the brain.

Directionality cannot be determined.

2. GUNSHOT WOUND OF THE NECK:

There is a gunshot wound of entrance of the left base of the neck located 11 inches from the top of the head and 2 inches left of anterior midline. The circular wound is 3/16 inch in diameter and has a circumferential dry red-brown marginal abrasion that measures up to 1/4 inch at 12 o'clock, 1/8 inch at

3 o'clock, 1/4 inch at 6 o'clock, and 3/16 inch at 9 o'clock. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the left side of the neck, the bullet subsequently perforates the strap muscles of the left side of the neck, the trachea and the scalene muscles of the right side of the neck.

A moderately deformed, copper-jacketed, medium caliber bullet is recovered from the right supraspinatus muscle, at approximately 12 inches from the top of the head and approximately 5 inches right of anterior midline. The bullet is photographed, sealed within an appropriately labeled envelope and submitted to a representative of the Chicago Police Department.

Associated with this wound is hemorrhage and pulpifaction of the wound track.

The direction is left to right, slightly front to back and slightly downward.

3. GUNSHOT WOUND OF THE LEFT CHEST:

There is a gunshot wound of entrance of the left upper chest located 12-1/4 inches from the top of the head and 5 inches left of anterior midline. The ovoid wound measures $1/2 \times 1/2$ inch and has a circumferential, dry, red-brown marginal abrasion that measures 1/16 inch at 12 o'clock, 1/8 inch at 3 o'clock, 1/16 inch at 6 o'clock and 1/8 inch at 9 o'clock. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the left upper chest, the bullet subsequently perforates the left pectoralis muscles, the muscles of the left lateral back, the muscles of the posterior left upper arm and the subcutaneous tissue and skin of the left upper arm.

A gunshot wound of exit of the posterior left upper arm is located 4-3/4 inches from the top of the left shoulder and 3/4 inch lateral to the posterior midline of the left arm. The ovoid wound measures $5/16 \times 3/16$ inch and has a circumferential brown marginal abrasion that is less than 1/16 inch wide. There is no soot or stippling.

Associated with this wound is hemorrhage and pulpifaction of the wound track.

The direction is front to back, right to left and downward.

4. GUNSHOT WOUND OF THE RIGHT CHEST:

There is a gunshot wound of the right side of the chest located 15-1/8 inches from the top of the head and 1-1/4 inches right of anterior midline. The circular wound is 3/16 inch in diameter and has a circumferential, dry, brown marginal abrasion that measures 1/16 inch at 12 o'clock, 3/16 inch at 3 o'clock, 1/16 inch at 6 o'clock and 1/16 inch at 9 o'clock. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the right side of the chest, the bullet subsequently perforates the right pectoralis muscles, the anterior portion of the right fourth rib and right fourth intercostal muscle, the right upper pulmonic lobe (x2), the right middle pulmonic lobe and the lateral portion of the right sixth intercostal muscle.

A markedly deformed, copper-jacketed bullet is recovered from the right latissimus dorsi muscle at a point approximately 18 inches from the top of the head and approximately 2 inches posterior to the right midaxillary line.

Associated with this wound is an anterior fracture of the right fourth rib and an approximately 40mL right hemothorax. There is hemorrhage and pulpifaction of the wound track.

The direction is front to back, left to right and slightly downward.

5. GUNSHOT WOUND OF THE LEFT ELBOW:

There is a gunshot wound of entrance of the lateral left elbow located 12-3/4 inches from the top of the left shoulder and 1-1/4 inches lateral to the posterior midline of the left arm. The circular wound measures 5/16 of an inch and has a 1/16 inch dark circumferential marginal abrasion. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the lateral left elbow, the bullet subsequently perforates the left humerus and the musculature, subcutaneous tissue and skin of the left upper arm.

A gunshot wound of exit of the medial left upper arm is located 11-1/4 inches from the top of the left shoulder and along the medial midline of the left arm. The irregularly-shaped wound is 1/2 x 1/2 inch. A 1/8 inch brown marginal abrasion extends from 1 o'clock to 3 o'clock and a 1/16 inch brown marginal abrasion extends from 11 o'clock to 12 o'clock. There is no soot or stippling.

Associated with this wound is a 3/16 inch dark brown, abraded skin bridge that separates the entrance gunshot wound #5 (superior) from the entrance gunshot wound #10 (inferior). There is a fracture of the distal left humerus as well as hemorrhage and pulpifaction of the wound track.

The direction is left to right, back to front and slightly upward.

6. GUNSHOT WOUND OF THE RIGHT UPPER ARM:

There is a gunshot wound of entrance of the posterior right upper arm located 6-1/2 inches from the top of the right shoulder and along the posterior midline of the right arm. The circular wound is 3/16 inch in diameter and has a 1/16 inch dry, dark marginal abrasion extending from 1 o'clock to 11 o'clock. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the posterior right upper arm, the bullet subsequently perforates the musculature of the right upper arm, the right humerus and the musculature, subcutaneous tissue and skin of the medial right upper arm.

There is a shored gunshot wound of exit of the medial right upper arm located 10-3/4 inches from the top of the right shoulder and along the medial midline of the right arm. The irregularly-shaped wound measures 7/16 x 5/16 inch and has a dry, dark circumferential marginal abrasion that measures 1/16 inch at 12 o'clock and 3 o'clock, 1/4 inch at 6 o'clock and 1/16 inch at 9 o'clock. There is no soot or stippling.

Associated with this wound is an abraded 3/4 inch moist pink skin bridge that separates the entrance gunshot wound #6 (inferior) from the entrance gunshot wound #11 (superior). There is also a fracture of the right humerus and hemorrhage and pulpifaction of the wound track.

The direction is back to front, downward and slightly left to right.

7. GUNSHOT WOUND OF THE LEFT FOREARM:

There is a gunshot wound of entrance of the dorsal left forearm located 19 inches from the top of the left shoulder and 1/2 inch medial to the posterior midline of the left arm. The ovoid wound measures $1/4 \times 3/16$ inch and has a circumferential dry dark marginal abrasion that measures 1/8 inch at 1/2 o'clock and 1/16 inch at 1/2 o'clock. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the left forearm, the bullet subsequently perforates the left radius and ulna and the musculature, subcutaneous tissue and skin of the medial left forearm.

A gunshot wound of exit of the medial left forearm is located 20-1/2 inches from the top of the left shoulder and 1/2 inch anterior to the medial midline of the left arm. The ovoid wound measures $5/16 \times 1/4$ inch and has an ellipse-shaped marginal abrasion that measures 1/4 inch at 12 o'clock, 3/16 inch at 3 o'clock and 6 o'clock and 1/8 inch at 9 o'clock. There is no soot or stippling.

Associated with this wound are fractures of the left radius and ulna. There is hemorrhage and pulpifaction of the wound tracks.

The direction is back to front, slightly right to left and slightly downward.

8. GUNSHOT WOUND OF THE LATERAL RIGHT UPPER LEG:

There is a gunshot wound of entrance of the lateral right upper leg located 35-9/16 inches from the top of the head and 1-3/4 inches right of the anterior midline of the right leg.

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The circular wound measures 1/4 inch in diameter and has a less than 1/16 inch marginal abrasion extending from 5 o'clock to 6 o'clock. The margin is extensively lacerated and has a circumferential 1/16 inch purple contusion. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the lateral right upper leg, the bullet subsequently perforates the musculature of the right upper leg, the pelvic floor musculature and the musculature of the medial left upper leg.

A moderately deformed, copper-jacketed, medium caliber bullet is recovered from the medial left upper leg at a point approximately 39 inches from the top of the head and approximately 2 inches right of anterior midline of the left leg. The bullet is photographed, sealed within an appropriately labeled envelope and submitted to a representative of the Chicago Police Department.

Associated with this wound is hemorrhage and pulpifaction of the wound track.

The direction is right to left, downward and slightly front to back.

9. GUNSHOT WOUND OF THE LEFT UPPER BACK:

There is a gunshot wound of entrance of the left upper back located 11 inches from the top of the head and 4-1/2 inches left of posterior midline. The irregularly-shaped wound measures 9/16 x 5/16 inch and has an irregular, circumferential brown marginal abrasion that measures 1/4 inch at 12 o'clock, 1/16 inch at 3 o'clock, 1/8 inch at 6 o'clock and 3/16 inch at 9 o'clock. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the left upper back, the bullet subsequently perforates the musculature of the left upper back and the subcutaneous tissue and skin of the left lateral back.

There is a gunshot wound of exit of the left lateral back located 17-1/4 inches from the top of the head and 3-1/2 inches posterior to the left midaxillary line. The irregularly-shaped wound measures $3/8 \times 3/16$ inch. There is no marginal abrasion, soot or stippling.

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Associated with this wound is hemorrhage and pulpifaction of the wound track.

The direction is right to left and downward with no significant forward or backwards deviation.

10. GUNSHOT WOUND OF THE LEFT ELBOW:

There is a gunshot wound of entrance of the lateral left elbow which is located 13-1/16 inch from the top of the left shoulder and 1 inch lateral to the posterior midline of the left arm. The circular wound measures 3/16 inch in diameter and has a circumferential marginal abrasion that measures 1/8 inch at 12 o'clock and 3 o'clock and 1/16 inch at 6 o'clock and 9 o'clock. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the lateral left elbow, the bullet subsequently perforates the musculature of the lateral left elbow, the left humerus and the musculature, subcutaneous tissue and skin of the medial left elbow.

There is a gunshot wound of exit of the medial left elbow located 14-1/2 inches from the top of the left shoulder and 3/4 inch medial to the posterior midline of the left arm. The irregularly-shaped wound measures 3/16 x 1/8 inch. It has a circumferential marginal abrasion that measures 1/4 inch at 12 o'clock, 3/16 inch at 3 o'clock, less than 1/16 inch at 6 o'clock and 3/16 inch at 9 o'clock. There is no soot or stippling.

Associated with this wound (as mentioned above) is a 3/16 inch dark brown, abraded skin bridge that separates the entrance gunshot wound #5 (superior) from the entrance gunshot wound #10 (inferior). There are fractures of the left humerus and ulna as well as hemorrhage and pulpifaction of the wound track.

The direction is left to right and downward with no significant forward or backward deviation.

11. GUNSHOT WOUND OF THE POSTERIOR RIGHT UPPER ARM:

There is a gunshot wound of entrance of the posterior right upper arm located 5-3/4 inches from the top of the right shoulder and along the posterior midline of the right arm. The circular wound is 1/8 inch in diameter and has a 1/16 inch dry brown marginal abrasion extending from 7 o'clock to 2 o'clock. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the posterior right upper arm, the bullet subsequently perforates the musculature of the posterior right upper arm and the musculature, subcutaneous tissue and skin of the right upper back.

There is a gunshot wound of exit of the right upper back located 15-1/2 inches from the top of the head and 2 inches posterior to the right midaxillary line. The irregularly-shaped wound measures $3/8 \times 1/8$ inch and has no marginal abrasion, soot or stippling.

Associated with this wound (as mentioned above) is a charred 3/4 inch moist pink skin bridge that separates the entrance gunshot wound #6 (inferior) from the entrance gunshot wound #11 (superior). There is hemorrhage and pulpifaction of the wound track.

The direction is right to left, downward and slightly front to back.

12. GUNSHOT WOUND OF THE RIGHT ARM:

There is a gunshot wound of entrance of the dorsal right forearm (superior) located 15-1/2 inches from the top of the right shoulder and 3/4 inch lateral to the posterior midline of the right arm. The ovoid-shaped wound measures 5/16 x 1/4 inch and has a dry, dark brown, circumferential marginal abrasion that measures 1/8 inch at 12 o'clock, 3/16 inch at 3 o'clock, 1/8 inch at 6 o'clock and 1/16 inch at 9 o'clock. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the posterior right forearm, the bullet subsequently penetrates the musculature of the right upper arm.

A moderately deformed, copper-jacketed, medium caliber bullet is recovered from the anterior musculature of the right upper arm approximately 10 inches from the top of the right shoulder and approximately midline of the right upper arm. The bullet is photographed, sealed within an appropriately labeled envelope and submitted to a representative of the Chicago Police Department.

Associated with this wound is hemorrhage and pulpifaction of the wound track.

The direction is back to front and upward with no significant lateral deviation.

13. GUNSHOT WOUND OF THE RIGHT FOREARM:

There is a gunshot wound of entrance of the dorsal right forearm (inferior) located 19-1/2 inches from the top of the right shoulder and along the posterior midline of the right arm. The ovoid-shaped wound measures 1/2 x 1/8 inch and has an irregular, dry, circumferential marginal abrasion that measures 1/8 inch at 12 o'clock, 1/16 inch at 3 o'clock, 1 inch at 6 o'clock, and 1/8 inch at 9 o'clock. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the dorsum of the right forearm, the bullet penetrates the musculature of the right forearm.

A markedly deformed, large fragment of copper-jacketed bullet is recovered from the right forearm at approximately 17 inches from the top of the right shoulder and approximately posterior midline of the right arm. The projectile is photographed, sealed within an appropriately labeled envelope and submitted to a representative of the Chicago Police Department.

Associated with this wound are fractures of the right radius and ulna. There is hemorrhage and pulpifaction of the wound track.

The direction is upward and slightly back to front with no significant lateral deviation.

14. GUNSHOT WOUND OF THE RIGHT HAND:

There is a gunshot wound of entrance of the dorsum of the right hand located 24 inches from the top of the right shoulder and

1/2 inch posterior to the lateral midline of the right arm. The slit-like wound measures 3/16 inch and has a moist red marginal abrasion from 3 o'clock to 11 o'clock that measures 5/16 of an inch at 3 o'clock, 1/4 inch at 6 o'clock, and 5/16 of an inch at 9 o'clock. There is a thin, circumferential rim of charred skin. Numerous irregular, dry, dark brown abrasions and apparent pseudo-stippling extend along the 5 o'clock to 11 o'clock margin up to 1 inch at 5 o'clock, 1-3/4 inch at 6 o'clock, 1-1/2 inch at 9 o'clock, and 1/2 at 11 o'clock. No definitive gunpowder residue is identified.

After perforating the skin and subcutaneous tissue of the dorsum of the right hand, the bullet penetrates the musculature of the right hand.

Two fragments of markedly deformed, copper-jacketed projectile are recovered from the dorsum of the right hand at a point approximately 23-1/2 inches from the top of the right shoulder and 1/4 inch posterior to the lateral midline of the right arm. The projectile fragments are photographed, sealed within an appropriately labeled envelope and submitted to a representative of the Chicago Police Department.

Associated with this wound is hemorrhage and pulpifaction of the wound track.

The direction is slightly left to right and slightly upward with no significant forward or backward deviation.

15. GUNSHOT WOUND OF THE RIGHT LOWER BACK:

There is a gunshot wound of entrance of the right lower back located 28 inches from the top of the head and 1-7/8 inches right of posterior midline. The $3/16 \times 1/8$ inch ovoid wound has a circumferential, moist, pink marginal abrasion that measures 1/16 inch at 12 o'clock, 1/8 inch at 3 o'clock, 1/16 inch at 6 o'clock and 1/16 inch at 9 o'clock. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the right lower back, the bullet subsequently perforates the sacrum, the abdominal cavity and the musculature of the left side of the abdomen.

A moderately deformed, copper-jacketed, medium caliber bullet is recovered from the soft tissue of the left abdominal wall approximately 25 inches from the top of the head and approximately 2 inches left of anterior midline. The bullet is photographed, sealed within an appropriately labeled envelope and submitted to a representative of the Chicago Police Department.

Associated with this wound is a fracture of the sacrum as well as hemorrhage and pulpifaction of the wound track.

The direction is back to front, right to left and upward.

16. GUNSHOT WOUND OF THE RIGHT UPPER LEG:

There is a gunshot wound of entrance of the medial right upper leg located 42-1/2 inches from the top of the head and 1/2 inch posterior to the medial midline of the right leg. The ovoid wound measures 1/4 x 3/16 inch and has a dry red-brown marginal abrasion that extends from 7 o'clock to 3 o'clock. The abrasion measures 1/16 inch from 7 o'clock to 9 o'clock and less than 1/16 inch from 9 o'clock to 3 o'clock. There is no soot or stippling.

After perforating the skin and subcutaneous tissue of the medial right upper leg, the bullet subsequently perforates the musculature of the right upper leg and the subcutaneous tissue and skin of the posterior right upper leg.

There is a gunshot wound of exit of the posterior right upper leg located 41-3/8 inches from the top of the head and along the posterior midline of the right leg. The irregularly-shaped wound measures $3/8 \times 1/4$ inch and has a $3/8 \times 1/4$ inch brown abrasion that extends along the 12 o'clock to 2 o'clock margin. There is no soot or stippling.

Associated with this wound is hemorrhage and pulpifaction of the wound track.

The direction is left to right and front to back with no significant vertical deviation.

II. OTHER INJURIES:

There are clusters of dry red-brown abrasions on the right shoulder, right side of the chest and dorsum of the right wrist and hand. Scattered larger red-brown abrasions are on the abdomen.

III. OTHER ITEMS RECOVERED:

Tiny, white metal fragments of apparent projectile are recovered from between the maxillary teeth, the right upper arm and the decedent's clothing. These fragments are photographed, sealed within appropriately labeled envelopes and submitted to a representative of the Chicago Police Department.

These injuries, having been once described, will not be repeated.

EVIDENCE SUBMITTED

The following items are collected, sealed within appropriately labeled containers and submitted to a representative of the Chicago Police Department:

- -Clothing
- -Blood standard
- -Projectiles

INTERNAL EXAMINATION

<u>Body Cavities:</u> See <u>Evidence of Injury</u>. The thoracic and abdominal organs are in their normal anatomic positions. There are no adhesions.

Head: See Evidence of Injury. The skull is unremarkable. The dura and dural sinuses are unremarkable. The leptomeninges are thin and delicate. The cerebral hemispheres are symmetrical with an unremarkable gyral pattern. The cranial nerves and blood vessels are unremarkable. Sections through the cerebral hemispheres, brainstem and cerebellum are unremarkable. There are no hemorrhages of the deep white matter or the basal ganglia. The cerebral ventricles contain no blood. The brain weighs 1325 grams. The spinal cord as viewed from the cranial cavity is unremarkable.

HX475653

Neck: See Evidence of Injury. The hyoid bone is intact.

Cardiovascular System: The intimal surface of the abdominal aorta is free of significant atherosclerosis. The aorta and its major branches and the great veins are normally distributed. The pulmonary arteries contain no thromboemboli. The pericardium, epicardium and endocardium are smooth, glistening and unremarkable. The foramen ovale is closed. The coronary arterial system is normally formed and free of significant atherosclerosis. The atrial and ventricular septa are intact. The cardiac valves are unremarkable. The myocardium is dark red-brown and firm and there are no focal abnormalities. The heart weighs 360 grams.

Respiratory System: See Evidence of Injury. The oropharynx is unobstructed. The laryngeal mucosa is pink, smooth, and without petechiae. The pleural surfaces are smooth and glistening. The major bronchi are unremarkable. Sectioning of the lungs discloses a dark red, moderately congested parenchyma.

Hepatobiliary System: The liver is covered by a smooth
glistening capsule. The parenchyma is dark red-brown and
moderately congested. The liver weighs 1062 grams. The
gallbladder contains approximately 10 mL of dark green-brown
bile with no calculi.

Gastrointestinal System: The esophageal mucosa is gray, smooth, and unremarkable. The stomach contains approximately 20 mL of blood. There are no tablets or capsules. The gastric mucosa has normal rugal folds and is unremarkable. The small and large intestines are externally unremarkable. The appendix is present.

Genitourinary System: The left kidney is absent. The capsule of the right capsule strips with ease to reveal a smooth and slightly lobulated surface. The cortex is of normal thickness with well-demarcated corticomedullary junctions. The calyx, pelvis and ureter is unremarkable. The urinary bladder contains approximately 200 mL of clear yellow urine. The mucosa is gray, smooth, and unremarkable. The prostate gland is unremarkable externally.

Endocrine System: The thyroid and adrenal glands are unremarkable externally and upon sectioning.

<u>Lymphoreticular System:</u> The spleen is covered by a smooth, blue-gray intact capsule. The parenchyma is dark red and firm. The cervical, hilar, and peritoneal lymph nodes are unremarkable.

<u>Musculoskeletal System:</u> See <u>Evidence of Injury</u>. The clavicles, sternum and pelvis have no fractures.

FINDINGS

- I. Gunshot wound of the left scalp (graze wound):
 - A. Location: Left parietal scalp.
 - B. Injuries: Mild subscalpular hemorrhage and thin subarachnoid hemorrhage.
 - C. Direction: Indeterminate.
 - D. Range of fire: Indeterminate (no soot or stippling on skin).
- II. Gunshot wound of the neck:
 - A. Entrance: Left base of the neck.
 - B. Path: Perforations of neck musculature and trachea.
 - C. Recovery: Medium caliber bullet recovered from the right supraspinatus muscle.
 - D. Direction: Left to right, slightly front to back and slightly downward.
 - E. Range of fire: Indeterminate (no soot or stippling on skin).
- III. Gunshot wound of the left chest:
 - A. Entrance: Left upper chest.
 - B. Path: Perforations of the musculature of the left chest, left lateral back and left upper arm.
 - C. Exit: Posterior left upper arm.
 - D. Direction: Front to back, right to left and downward.
 - E. Range of fire: Indeterminate (no soot or stippling on skin).

IV. Gunshot wound of the right chest:

- A. Entrance: Right side of the chest.
- B. Path: Perforations of the musculature of the right chest, the right fourth rib and right fourth intercostal muscle, the right lung and the right sixth intercostal muscle.
- C. Recovery: Markedly deformed bullet fragment recovered from the right latissimus dorsi muscle.
- D. Direction: Front to back, left to right and slightly downward.
- E. Range of fire: Indeterminate (no soot or stippling on the skin).

V. Gunshot wound of the left elbow:

- A. Entrance: Lateral left elbow.
- B. Path: Perforations of the musculature of the left upper arm and the left humerus.
- C. Exit: Medial left upper arm.
- D. Direction: Left to right, back to front and slightly upward.
- E. Range of fire: Indeterminate (no soot or stippling on the skin).

VI. Gunshot wound of the right upper arm:

- A. Entrance: Posterior right upper arm.
- B. Path: Perforations of the musculature of the right upper arm and the right humerus.
- C. Exit: Medial right upper arm.
- D. Direction: Back to front, downward and slightly left to right.
- E. Range of fire: Indeterminate (no soot or stippling on the skin).

VII. Gunshot wound of the left forearm:

- A. Entrance: Dorsal left forearm.
- B. Path: Perforations of the musculature of the left forearm, the left radius and the left ulna.
- C. Exit: Medial left forearm.
- D. Direction: Back to front, slightly right to left and slightly downward.
- E. Range of fire: Indeterminate (no soot or stippling on the skin).

VIII. Gunshot wound of the lateral right upper leg:

- A. Entrance: Lateral right upper leg.
- B. Path: Perforations of the musculature of the right upper leg, the pelvic floor and the medial left upper leg.
- C. Recovery: Medium caliber bullet recovered from the medial left upper leg.
- D. Directions: Right to left, downward and slightly front to back.
- E. Range of fire: Indeterminate (no soot or stippling on the skin).

IX. Gunshot wound of the left upper back:

- A. Entrance: Left upper back.
- B. Path: Perforations of the musculature of the left back.
- C. Exit: Left lateral back.
- D. Direction: Right to left and downward with no significant deviation forwards or backwards.
- E. Range of fire: Indeterminate (no soot or stippling on the skin).

X. Gunshot wound of the left elbow:

- A. Entrance: Lateral left elbow.
- B. Path: Perforations of the musculature of the left elbow, the left humerus and the left ulna.
- C. Exit: Medial left elbow.
- D. Direction: Left to right and downward with no significant forward or backward deviation.
- E. Range of fire: Indeterminate (no soot or stippling on the skin).

XI. Gunshot wound of the right upper arm:

- A. Entrance: Posterior right upper arm.
- B. Path: Perforations of the musculature of the right upper arm and right upper back.
- C. Exit: Right upper back.
- D. Direction: Right to left, downward and slightly front to back.
- E. Range of fire: Indeterminate (no soot or stippling on the skin.

XII. Gunshot wound of the right arm:

- A. Entrance: Dorsal right forearm.
- B. Path: Perforation of the musculature of the right upper arm.
- C. Recovery: Medium caliber bullet recovered from the musculature of the anterior right upper arm.
- D. Direction: Back to front and upward with no significant lateral deviation.
- E. Range of fire: Indeterminate (no soot or stippling on the skin).

XIII. Gunshot wound of the right forearm:

- A. Entrance: Dorsal right forearm.
- B. Path: Perforations of the musculature of the right forearm.
- C. Recovery: Large fragment of projectile recovered from the right forearm.
- D. Direction: Upward and slightly back to front with no significant lateral deviation.
- E. Range of fire: Indeterminate (no soot or stippling on the skin).

XIV. Gunshot wound of the right hand:

- A. Entrance: Dorsum of the right hand.
- B. Path: Perforations of the musculature of the right hand.
- C. Recovery: Fragments of projectile recovered from the dorsum of the right hand.
- D. Direction: Slightly left to right and slightly upward with no significant deviation forward or backwards.
- E. Range of fire: Indeterminate (no soot or stippling on the skin on the hand).

XV. Gunshot wound of the lower back:

- A. Entrance: Right lower back.
 - B. Path: Perforations of the sacrum and left abdominal wall musculature.
 - C. Recovery: Medium caliber bullet recovered from the soft tissue of the left abdominal wall.
 - D. Direction: Back to front, right to left and upward.
 - E. Range of fire: Indeterminate (no soot or stippling on the skin).

XVI. Gunshot wound of the right upper leg:

- A. Entrance: Medial right upper leg.
- B. Path: Perforation of the musculature of the right upper leg.
- C. Exit: Posterior right upper leg.
- D. Direction: Left to right and front to back without significant vertical deviation.
- E. Range of fire: Indeterminate (no soot or stippling on the skin).
- XVII. Abrasions of the right shoulder, chest, abdomen hand and wrist.
- XVIII. Small, probable projectile fragments recovered from the mouth, skin of the right upper arm and the clothing.
 - XIX. Post-mortem toxicology negative for benzoylecgonine, ethanol and opiates.
 - XX. Police-involved shooting.

OPINION

Based on the case history and autopsy findings, it is my opinion that LAQUAN MCDONALD, a 17-year-old black male, died as the result of multiple gunshot wounds.

MANNER OF DEATH: Homicide

Denika Mess

Denika Means, DO Assistant Medical Examiner

1/15/2015

WTT:jm J: -24

D: 10/23/14017:26 T: 10/24/14011:56

of 1

OFFICE OF THE MEDICAL EXAMINER COUNTY OF COOK, ILLINOIS TOXICOLOGY REPORT

FINAL

M.E. Case:

ME2014-01071

Deceased Name:

McDonald, Laquan

Autopsy Date:

10/21/2014

Report Date: Pathologist:

12/11/2014

MEANS, DENIKA

Tox Case:

14-3614

Gender: Race:

Male Black

Age:

17

Confirmed Positives

Sample # Analyte

Sample Type

Methodology

Result

Foot note

Screen

01-01

01-01

01-01

Sample # Analyte

BENZOYLECGONINE

ETHANOL OPIATES

Sample Type

Hospital Specimens Hospital Specimens Hospital Specimens Methodology

ELISA .GC ELISA Result Negative Negative

Negative

Comments

KOIN, PETER

Toxicologist

Date reviewed:

12/11/2014

Footnotes

Test Panels

Opiate ELISA Screen includes: Morphine, Codeine

Page 1 of 1

OFFICE OF THE MEDICAL EXAMINER COUNTY OF COOK, ILLINOIS TOXICOLOGY REPORT

AMENDED

M.E. Case:

ME2014-01071

Deceased Name:

McDonald, Laquan

Autopsy Date:

10/21/2014 03/31/2015

Report Date: Pathologist:

MEANS, DENIKA

Tox Case: 14-3614

Gender:

Male Black

Race:

17

Confirmed Positives

Sample # Analyte
01-01 ETHANOL

Sample Type
Hospital Specimens

Sample Type

Hospital Specimens

Methodology GC_GC Result Negative Foot note (1)

Screen

Sample #	Analyte
01-01	BENZOYLECGONINE
01-01	ETHANOL
01-01	OPIATES
01-05	PHENCYCLIDINE

PHENCYCLIDINE
PHENCYCLIDINE
PHENCYCLIDINE

 Methodology ELISA GC ELISA

ELISA ELISA ELISA Result
Negative
Negative
Negative
Positive

Positive Positive

Subcontracted Tests

Test Name

01-10

01-01

Phencyclidine NMS Risperidone NMS Valproic Acid LabCorp See NMS Report for Result See NMS Report for Result See LabCorp Report for Result

Comments

AMENDED BY: WAGNER, MICHAEL

Toxicologist

Date reviewed:

03/31/2015

Footnotes

1 Quantitation by GC, Confirmation by GC

Test Panels

Opiate ELISA Screen includes: Morphine, Codeine



NMS Labs

CONFIDENTIAL

3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437 Phone: (215) 657-4900 Fax: (215) 657-2972 e-mail: nms@nmslabs.com

Robert A. Middleberg, PhD, F-ABFT, DABCC-TC, Laboratory Director

Toxicology Report

Report Issued 03/18/2015 13:00

To: 10075

Cook County Medical Examiner

Attn: Kathleen Mittel 2121 West Harrison Street

Chicago, IL 60612

Patient Name

MCDONALD, LAQUAN

Patient ID

ME2014-01071 14-3614

Chain

11851876

Gender

Age Not Given DOB Not Given

Workorder

Not Given 15059306

Page 1 of 2

Positive Findings:

Compound

Result

Units

Matrix Source

Phencyclidine

56

ng/mL

001 - Cavity Blood

See Detailed Findings section for additional information

Testing Requested:

Analysis Code

Description

4105B

Risperidone and Metabolite, Blood

8761B

Phencyclidine, Blood

Specimens Received:

ID Tube/Container

Volume/ Mass

Collection Date/Time **Matrix Source**

Miscellaneous Information

001 Red Top Tube

5.5 mL

Not Given

Cavity Blood

All sample volumes/weights are approximations.

Specimens received on 03/02/2015.



CONFIDENTIAL

Workorder

15059306

Chain

11851876

Patient ID

ME2014-01071 14-3614

Page 2 of 2

Detailed Findings:

Analysis and Comments	Result	Units	Limit	Specimen Source	Analysis By
Phencyclidine	56	ng/mL	5.0	001 - Cavity Blood	GC/MS

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

Reference Comments:

1. Phencyclidine (Angel Dust, PCP; Sherm) - Cavity Blood:

Phencyclidine (PCP) is a DEA Schedule II controlled dangerous hallucinogenic drug. There exists a dearth of pharmacoknetic data of PCP usage in humans; however it has been reported that blood levels of phencyclidine ranged from 7 - 240 ng/mL(mean, 75 ng/mL) in Individuals stopped for driving under the influence of drugs or for being intoxicated in public.

Ataxia, agitation, combativeness, æizures, spasticity, coma and respiratory depression are associated with phencyclidine concentrations ranging from 90 - 220 ng/ml.plasma.

The physiological effects of PCP can be classified as low or high dose. In lowdoses, PCP can elicit visual disturbances, drowsiness, agitation, hallucinations, aggressiveness, increased pulse rate and bloodressure, bronchospasm, increased respiratory rate and hyperthermialn high doses, PCP can elicit convulsions, opisthotonos, coma, arrhythmias, decreased blood pressure and respirations and rhabdomytysis.

There appears to be no relation between plasma levels of phencyclidine and degree of intoxication. Even so, death has been reported following the use of only 120 mg of phencyclidine, Blood concentrations in phencyclidine-related fatalities have been reported to range from 300 - 25000 ng/mL (mean, 5000 ng/mL).

Unless alternate arrangements are made by you, the remainder of the submitted specimens ill/be discarded one (1) year from the date of this report, and generated data will be discarded five (5) years from the datethe analyses were performed.

Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive. If the compound is listed as None Detected, it is not present above the Reporting Limit. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

Acode 4105B - Risperidone and Metabolite, Blood - Cavity Blood

-Analysis by High Performance LiquidChromatography/ TandemMass Spectrometry (LC-MSMS) for:

randonniaga opochomony (co	manie jien		
Compound	Rpt. Limit	Compound	Rpt. Limit
9-Hydroxyrisperidone	1.0 ng/mL	Risperidone and 9-	N/A
Risperidone	1.0 ng/mL	Hydroxyrsperidone - Total	

Acode 8761B - Phencyclidine, Blood - Cavity Blood
-Analysis by Gas Chromatography/Mass Spectrometry

Phencyclidine

(GC/MS) for:			
Compound	Rpt. Limit	Compound	Rpt. Limit

5.0 ng/mL

HX475653

v.14

Specimen ID: 057-139-1180-0 Control ID: 80019005042 COOK COUNTY MEDICAL EXAMINER. MCDONALD, LAQUAN 2121 WHARRISON Specimen Details Physician Details Ordering: D. MEANS Referring: Patient Details DOB: 09/25/1997 Date entered: 02/26/2015 Date reported: 02/27/2015 0903 ET-General Comments & Additional Information Clinical Info: TOX-14-3614 IML OF CAVITY Clinical Info: BLOOD SPUN: DOWN Alternate Patient ID: ME2014-01071 Alternate Control Number: 80019005042 orderedalerns Valgrolo/Agda (Bepakote) (R) (Sa TESTS OF THE TESTS OF THE PARTY Valproic Acid (Depakote) (R) S * Membled by repeat analysis** 4 indicates None Detected Toxicity may occur at levels of 100-500 Measurements of free unbound velproic acid may improve the assess

01 GB: LEabCorp Dublin N 6370-Wilcox Road Dublin OH 43016-1269 For inquiries the physician may contact Branch 800-597-8026 Lab (800-2321600)

~ sv. Page 1

FINAL REPOR

Page 1011

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(720 ILCS 5/7-7) (from Ch. 38, par. 7-7)

Sec. 7-7. Private person's use of force in resisting arrest. A person is not authorized to use force to resist an arrest which he knows is being made either by a peace officer or by a private person summoned and directed by a peace officer to make the arrest, even if he believes that the arrest is unlawful and the arrest in fact is unlawful. (Source: P.A. 86-1475.)



(720 ILCS 5/7-5) (from Ch. 38, par. 7-5)

Sec. 7-5. Peace officer's use of force in making arrest. (a) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that:

- (1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
- (2) The person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.
- (b) A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid. (Source: P.A. 84-1426.)



(720 ILCS 5/2-8) (from Ch. 38, par. 2-8)

Sec. 2-8. "Forcible felony". "Forcible felony" means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual. (Source: P.A. 88-277; 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

I. PURPOSE

This directive:

- A. explains the Use of Force Model.
- B. includes a graphic representation of the Use of Force Model.



II. DEPARTMENT POLICY

The Department utilizes a Use of Force Model to provide guidance on the appropriate amount of force to be used to effect a lawful purpose. The Use of Force Model employs the progressive and reasonable escalation and de-escalation of member-applied force in proportional response to the actions and level of resistance offered by a subject. Such response may progress from the member's actual presence at the scene to the application of deadly force.

- A. The primary objective of the use of force is to ensure control of a subject with the reasonable force necessary based on the totality of the circumstances.
- B. Whenever reasonable, members will exercise persuasion, advice, and warning prior to the use of physical force.
- C. When force is applied, a member will escalate or de-escalate to the amount of force which is reasonably necessary to overcome the subject's resistance and to gain control.
 - Members are not required to start at the lowest levels of the Use of Force Model; they will select the appropriate level of force based on the subject's actions.
 - Members will modify their level of force in relation to the amount of resistance offered by the subject.
 - As the subject offers less resistance, the member will lower the amount or type of force used.
 - As the subject increases resistance, the member may increase the amount or type of force used.

III. USE OF FORCE MODEL

- A. The Use of Force Model is a graphic representation of the guidelines for the appropriate use of force in relation to the actions of a subject.
- B. The Use of Force Model utilized by the Chicago Police Department is pictured in Illustration No. 1.
- C. The Use of Force Model is a guideline that cannot account for all factors constituting the "totality of circumstances" by which a specific use of force is evaluated. The Model is to be used only in conjunction with the Department directives and training regarding the use of force.

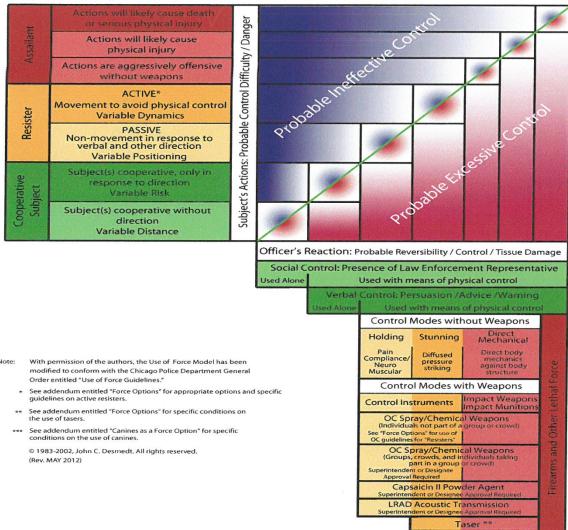
Illustration No. 1

G03-02-01 The Use of Force Model © Chicago Police Department, May 2012

Current as of 05 June 2015:1502 hrs Page 1 of 3



USE OF FORCE MODEL CHICAGO POLICE DEPARTMENT



Garry F. McCarthy Superintendent of Police

11-205 TRH

G03-02-01 The Use of Force Model © Chicago Police Department, May 2012 Current as of 05 June 2015:1502 hrs Page 2 of 3

Canine ***

G03-02-01 The Use of Force Model © Chicago Police Department, May 2012

Current as of 05 June 2015:1502 hrs Page 3 of 3

ISSUE DATE:	10 February 2015	EFFECTIVE DATE:	10 February 2015
RESCINDS:	1 October 2002 Version		

INDEX CATEGORY: Field Operations

I. PURPOSE

This directive:

- A. sets forth Department policy regarding a sworn member's use of <u>deadly force</u>.
- B. establishes guidelines controlling the use of deadly force by sworn members.

II. DEPARTMENT POLICY

- A. A sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
 - 1. to prevent death or great bodily harm to the sworn member or to another person, or:
 - to <u>prevent an arrest from being defeated by resistance or escape</u> and the sworn member reasonably believes that the person to be arrested:
 - has committed or has attempted to commit a <u>forcible felony</u> which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.
- B. Sworn members who discharge a firearm will comply with the procedures detailed in the Department directive entitled "<u>Firearms Discharge Incidents Involving Sworn Members</u>."

III. DEPARTMENT PROHIBITIONS FOR USE OF DEADLY FORCE

Use of firearms in the following ways is prohibited:

- A. Firing into crowds.
- B. Firing warning shots.
- C. Firing into buildings or through doors, windows, or other openings when the person lawfully fired at is not clearly visible.
- D. Firing at a subject whose action is only a threat to the subject himself (e.g., attempted suicide).
- E. Firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person.

IV. AFFIRMATION OF PROTECTION OF LIFE POLICY

Sworn members will not unreasonably endanger themselves or another person to conform to the restrictions of this directive.

G03-02-03 Deadly Force
© Chicago Police Department, February 2015

Current as of 05 June 2015:1502 hrs Page 1 of 2 (Items indicated by italics/double underline have been added or revised)

Garry F. McCarthy Superintendent of Police

15-025 MWK

GLOSSARY TERMS:

1. Deadly Force (720 ILCS 5/7-8)

- A. Deadly force is force which is likely to cause death or great bodily harm and includes
 - The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and
 - 2. The firing of a firearm at a vehicle in which the person to be arrested is riding.
- B. A peace officer's discharge of a firearm using ammunition designed to disable or control an individual without creating the likelihood of death or great bodily harm (i.e., impact munitions) shall not be considered force likely to cause death or bodily harm

2. Use of Force to Prevent Escape (720 ILCS 5/7-9)

A peace officer or other person who has an arrested person in custody is justified in the use of such force to prevent the escape of the arrested person from custody as he would be justified in using if he were arresting the person.

3. Forcible Felony (720 ILCS 5/2-8)

A forcible felony means any treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, and any other felony which involves the use or threat of physical force or violence against any individual.

CPD photo



CHICAGO POLICE DEPARTMENT

3510 South Michigan Avenue/Chicago, Illinois 60653 Identification Section





CPD-31903C (REV. 7/04)

MCDONALD, LAQUAN

IR # 2106340

SID#

FBI#

IDOC#

Current Arrest Information:

Date of Birth:

25-SEP-1997

Age:

16 years

Place of Birth:

ILLINOIS

SSN #:

Drivers License #:

Drivers Lic. State:

Scars, Marks &Tattoos:

Key Historical Identifiers:

EXHIBIT D. MARCH

MALE
BLACK
6'02"
180 lbs
EYES: BRO
HAIR: BLK
HAIR STYLE:
DREAD

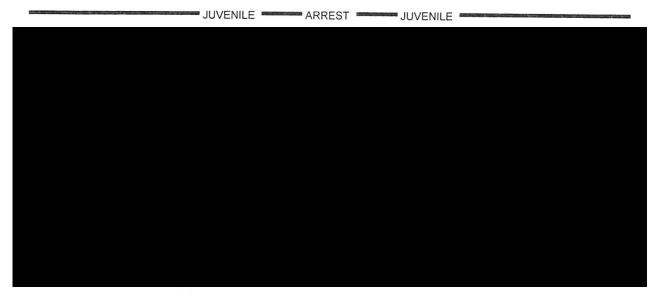
COMPLEXION :

WHY BE A
KIING

Alias or AKA used	Date Used	Dates of Birth Used	Social Security Numbers Used
MCDONALD, LAQUAN	18-JAN-2014	26-SEP-1996	Not Available
MCDONALD, LAQUAN	22-NOV-2013	25-SEP-1996	Not Available
MCDONALD, LAQUAN	24-MAY-2012	24-SEP-1997	Not Available
MCDONALD, LAQUAN J	10-FEB-2012	25-SEP-1997	Not Available
MCDONALD, LAQUAN	21-APR-2011	25-SEP-1997	Not Available

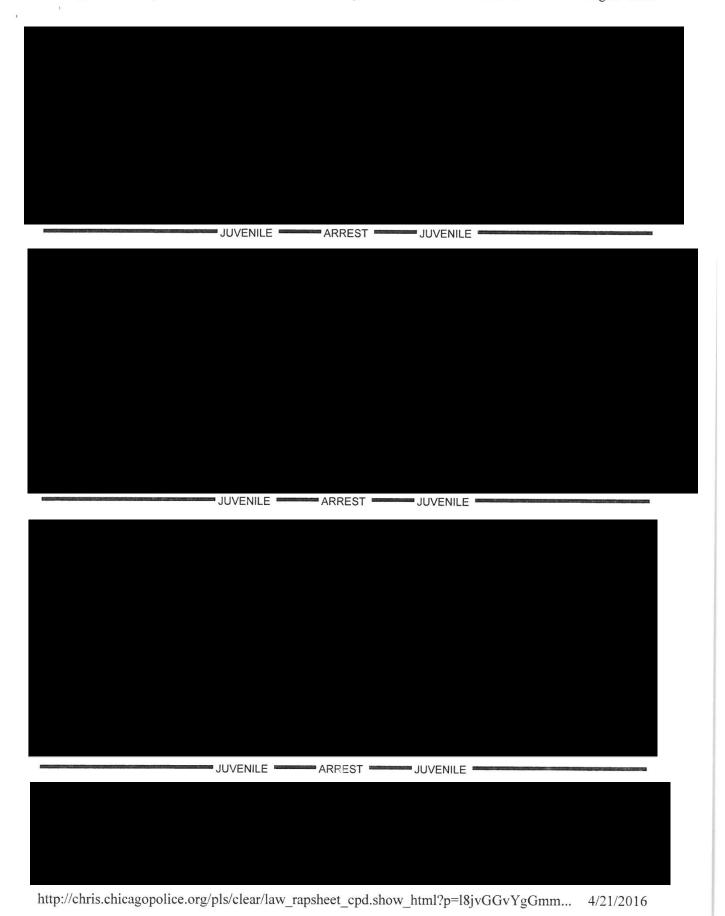
Criminal Justice Summary: Total arrests: 26 (8 Felony, 11 Misdemeanor)

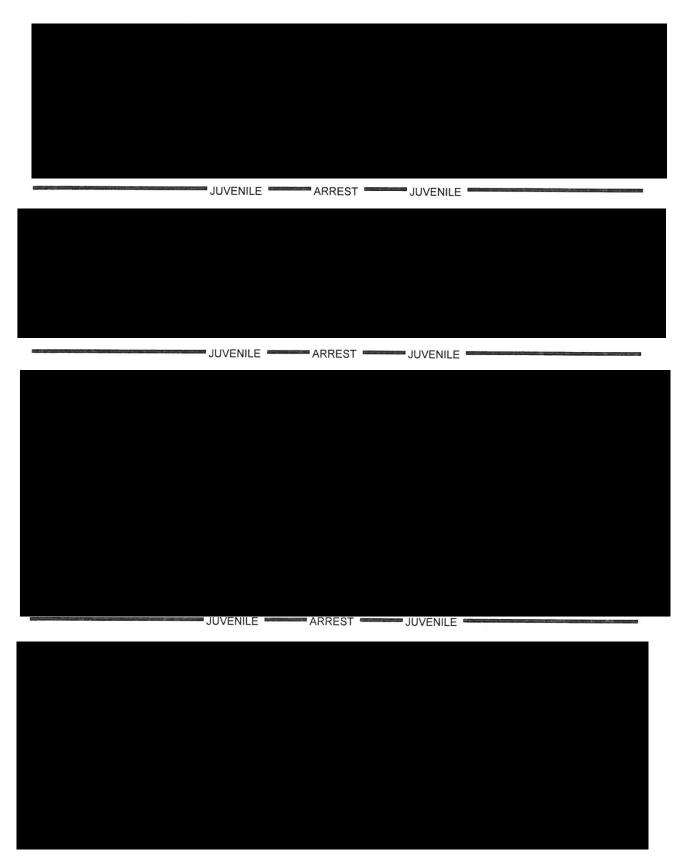
Total convictions: 0



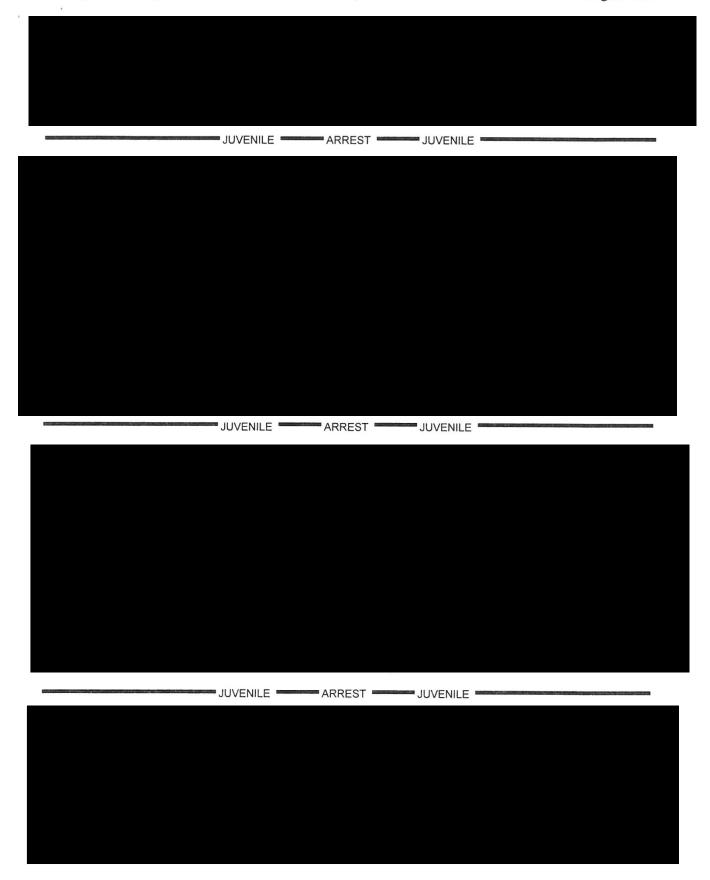
http://chris.chicagopolice.org/pls/clear/law_rapsheet_cpd.show_html?p=l8jvGGvYgGmm... 4/21/20

http://chris.chicagopolice.org/pls/clear/law_rapsheet_cpd.show_html?p=l8jvGGvYgGmm... 4/21/2016

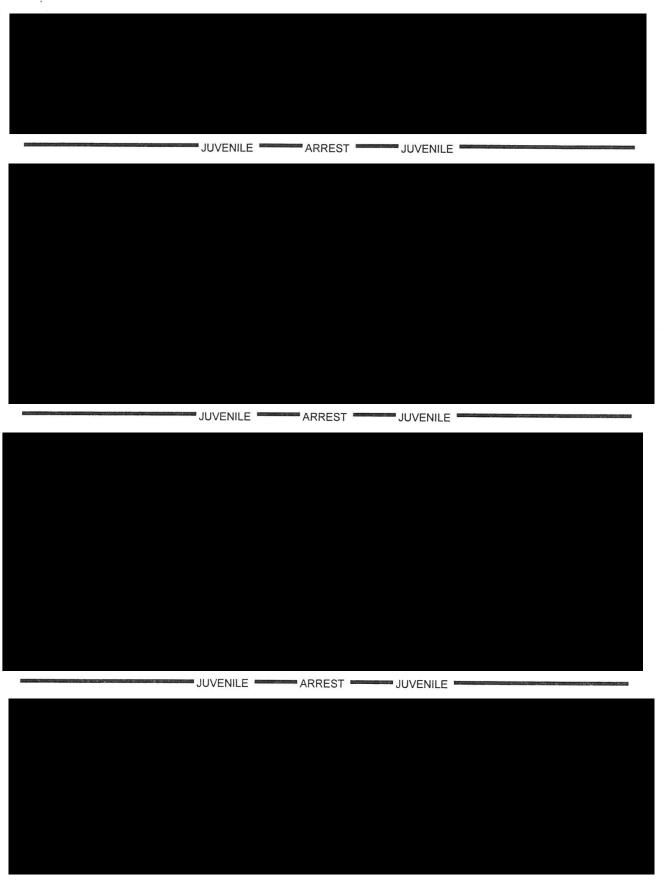




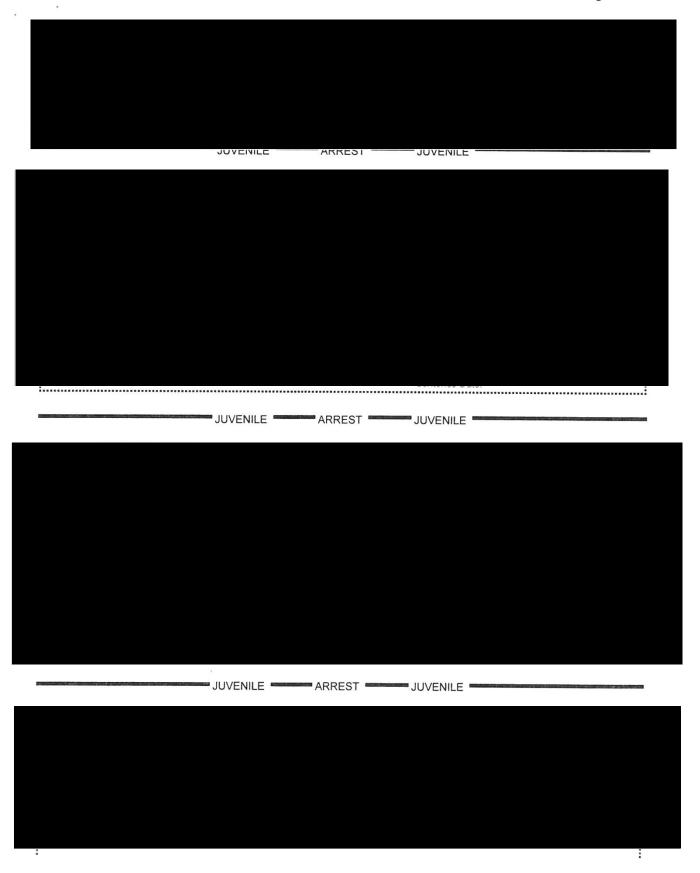
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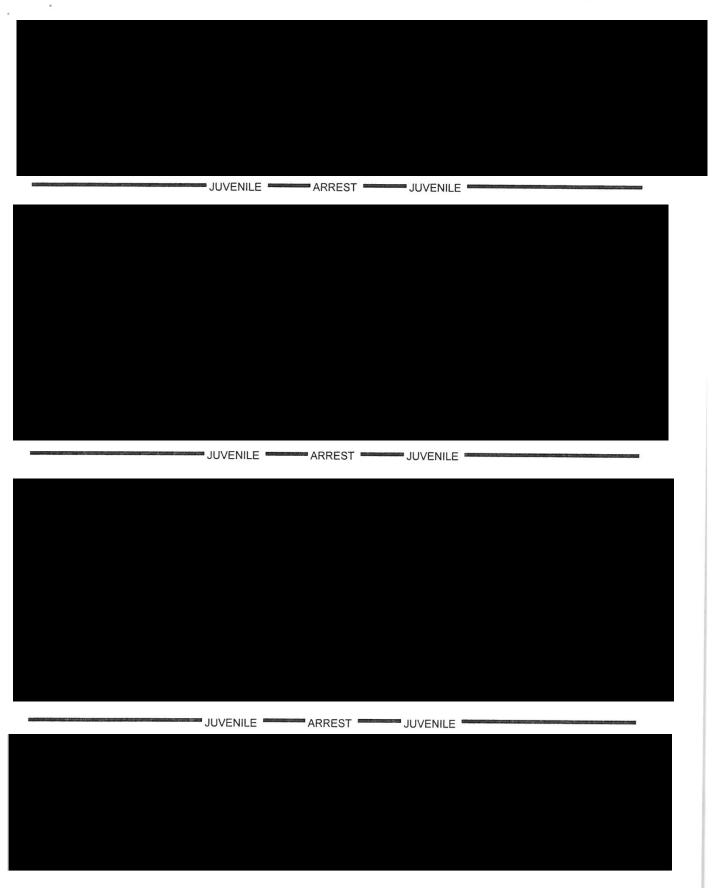
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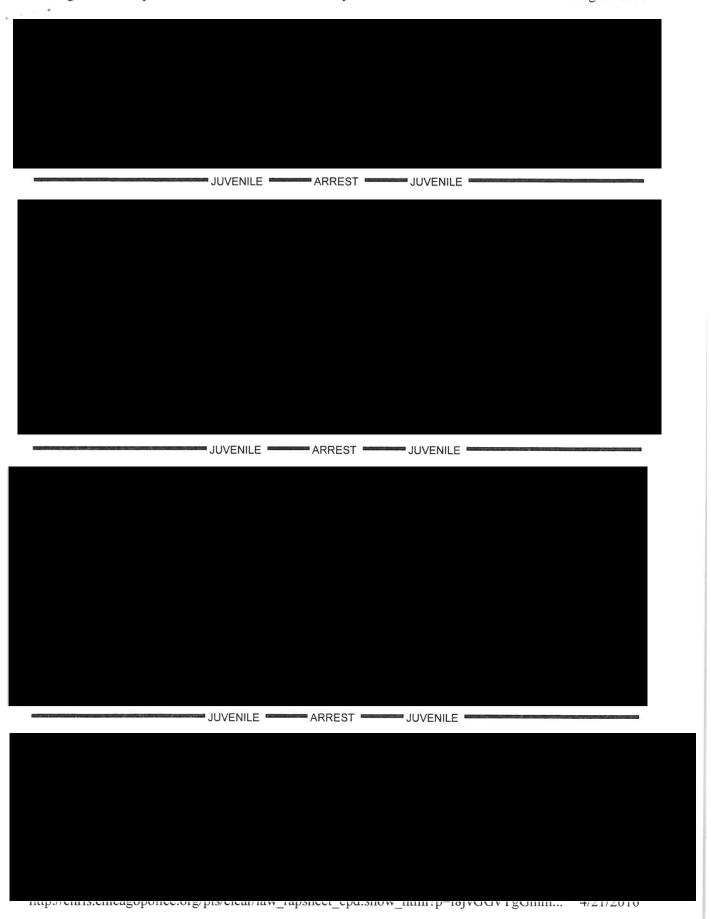
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End of Report

This Chicago Police Department IR rap-sheet should not replace the use of the Illinois State Police statewide criminal history transcript, which may contain additional criminal history data and can be obtained by performing a CQR1 inquiry via your LEADS terminal.

21-APR-2016 17:30 Requested by: PC09469





S03-02-02 "Other Weapon Discharge Incidents G03-02-02: "Force Options" U04-02-04 "Taser Devices" Related Documents:

Training Review

December 2012 REVISED



TASER X2 TRAINING

Before deciding to deploy a Taser X2, the questions or criteria listed below should all be answered in the affirmative. If at any time the answer is With all types of force options it is important to periodically review procedures and tactics to ensure safe and effective use. Below is a review of procedures for deploying a Taser X2 against a subject as an alternative force option. no, stop and re-evaluate your decision to deploy.

According to Uniform and Property Order U04-02-04 II-D-3 A and B, there are two circumstances that must be present to deploy a taser:

- The subject is an active resister or assailant.
- optimum range is 7-15 feet for effective probe spread, officer You can safely approach the subject within 18 feet. The safety and accuracy. 7

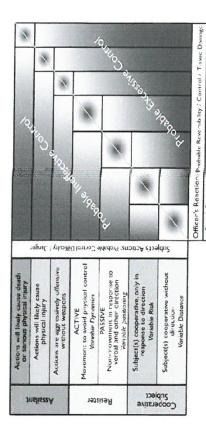
Key Points

Is the environment appropriate for the use of a Taser?

- falling (on stairs, or an elevated height etc...). Consider potential secondary injuries from
- Check for flammable or combustible materials.

Is the Taser a REASONABLE force option based on the totality of the circumstance?

- Consider the severity of the crime, the threat level and the level of resistance.
 - Refer to G03-02-02 "Force Options."



Use of Force Model Chicago Police Department

Social Control: Prysence of Law Enforcement Representative

Jsed Alone

Verbal Control: Persuasion / Advice / Warning

Used with means of physical ca

Control Modes Without We

Hsking

See addendum entitled "Force Options" for specific conditions on the use of tasers.

With permission of the authoris, the Use of Force Model has been modified to conform with the Chicago Police Department General Order entitled "Use of Force Guidelines."

See addendum entitled "Canines as a Force Opti-for specific conditions on the use of canines. ©1983-2002, John C. Dosmodt. All rights reserved. (Rev. JULY 2003)

Firearms and Other Lethal Force OC Sproy/Gremical We Centrol Modes with West Canine ** Taser * Diffused pressure Control instruments

Chicago Police Department – Education and Training Division

DEPLOYING THE TASER

Once you have determined that a situation meets the criteria for Taser use, follow the steps below to ensure it is used safely and effectively.

The following 5 steps pertain to a PROBE DISCHARGE.

Remember to use MINIMAL FORCE to resolve the situation.

shots. The solid, dark areas on the graphic below represent the The recommended point of aim is the lower-center of mass for frontal preferred target areas.

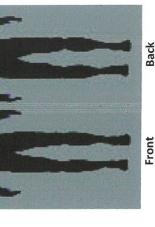
① Give a Warning from U04-02-04 E-1

Warn others of the imminent deployment of the device by announcing "Taser! Faser! Taser!" Do not yell: "I'm shooting" or "I'm firing."

Target Area

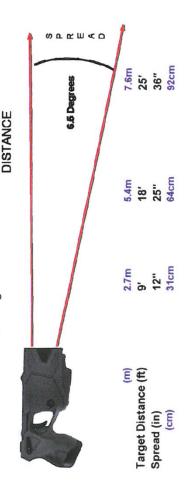
travels downward at a 6.5 degree angle. The bottom laser indicated the point of impact for the bottom probe on 15ft and 25ft cartridges only. Both probes must contact the subject to allow the electrical energy to flow. If possible, aim at the The top laser indicates the point of impact for top probe while the bottom probe subject's back for the following reasons:

- the surprise factor
- the back has higher muscle mass
 - clothing fits tighter
- targeting the subject's back avoids inadvertent contact to the face, throat and groin



③ Deploy the Taser

- deliver current for a 5 second cycle. The X2 can be Each trigger pull will discharge a live cartridge and loaded with two (2) live cartridges.
- It is not necessary to hold the trigger down for 5 seconds If you pull and quickly release the trigger, the device will deliver energy for the entire 5 seconds, the cycle will automatically stop, and the next live cartridge will be selected.
- If the trigger is held down beyond 5 seconds, the current will continue until the trigger is released.



Chicago Police Department - Education and Training Division

During the 5 Second Cycle

- Give verbal directions to the subject such as, "Put your hands behind your back!"
- Watch for a change in the subject's behavior and assess the Taser's effectiveness.
- Check to see if both probes have a good contact
 - Check for an effective probe spread
- Check to see if the probes are affecting high muscle mass

Remember, if you pull and quickly release the trigger, the device will deliver current for 5 seconds, automatically stop, and select the next live cartridge. If necessary, you may interrupt the cycle short of 5 seconds by placing the safety in the down (SAFE) position.

S After the Initial 5 Second Cycle

A 5 second cycle offers a window of opportunity for the assisting officers to subdue and physically control the subject. You can touch the subject, but avoid touching the wires, probes, and the area between the probes.

Give the subject an opportunity to comply with your commands.

Assess the situation and if the subject is not under control, consider the following options:

- Press the ARC switch to deliver additional cycles
- Dull and release the trigger to deploy a second cartridge
 - C TRANSITION TO ANOTHER FORCE OPTION

Each trigger pull and press of the ARC switch must be accounted for and is recorded. The record includes the time and duration of each cycle.

Each trigger pull and press of the ARC switch is considered a use of force and must conform to the standard of REASONABLENESS.

SAFETY REMINDERS

- Never point at anything you don't intend to shoot.
- Keep the weapon safety switch in the down (SAFE) position and pointed in a safe direction.
- Never place finger on trigger unless firing is imminent.
- Laser light can cause eye damage if directed into eyes for prolonged periods of time.
- Probes shot in the eyes can cause serious damage
- Never place hand in front of weapon, especially when changing the air cartridge.



Chicago Police Department - Education and Training Division

POST-DEPLOYMENT RESPONSIBILITIES

Upon gaining control of the subject, Department members will:

- 1) Notify OEMC
- 2) Request OEMC assign emergency medical personnel when:
- a. Taser probes were discharged and penetrated a subject's skin.
- b. Electrical current from the taser was applied to the subject's body.
- c. The subject appears to be in any sort of distress.

Officers must be aware that individuals exhibiting signs of extreme psychological stress will likely require medical attention.

Officers are advised to inform responding EMS personnel of the subject's actions and condition immediately prior to the Taser deployment.

- Notify their supervisor, the station supervisor assigned to the district of occurrence and CPIC.
- Prepare a Tactical Response Report. The serial number from the spent cartridge will be required to complete the TRR.

The Responding Supervisor will:

 For deployment in a residence, request assignment of an ET. In an area other than a residence, indoors or outdoors, determine if an ET is required.

The ET will photograph the locations where the probes penetrated the subject and/or any other injuries incurred as a result of the taser deployment.

- Inventory the discharged probes and used cartridges in the following manner:
- The probes will be detached from the wires and inserted, pointed ends first, back into the cartridge.
- b. The cartridge will be wrapped with tape to secure the probes inside.
- 3) Take control of the device, and deliver it to the station supervisor.

The Station Supervisor will:

- 1) Notify IPRA and ensure a log number is obtained. (Notify CPIC when IPRA is unavailable).
- Download the deployment data and print out the data sheet.
 Only date of deployment is required.
- 3) Review and complete the TRR
- 4) Ensure the data sheet is attached to the TRR and a copy of the original case report.

The above actions are a summary of responsibilities after the field deployment of a Taser X2 device.

For a complete list of department investigative and reporting procedures, refer to Special Order S03-02-02 entitled "Other Weapon Discharge Incidents," section IV "Discharge of a Taser."



(720 ILCS 5/12-2) (from Ch. 38, par. 12-2) (Text of Section from P.A. 99-78) Sec. 12-2. Aggravated assault.

- (a) Offense based on location of conduct. A person commits aggravated assault when he or she commits an assault against an individual who is on or about a public way, public property, a public place of accommodation or amusement, or a sports venue.
- (b) Offense based on status of victim. A person commits aggravated assault when, in committing an assault, he or she knows the individual assaulted to be any of the following:
 - (1) A physically handicapped person or a person 60 years of age or older and the assault is without legal justification.
 - (2) A teacher or school employee upon school grounds or grounds adjacent to a school or in any part of a building used for school purposes.
 - (3) A park district employee upon park grounds or grounds adjacent to a park or in any part of a building used for park purposes.
 - (4) A peace officer, community policing volunteer, fireman, private security officer, emergency management worker, emergency medical technician, or utility worker:
 - (i) performing his or her official duties;
 - (ii) assaulted to prevent performance of his or her official duties; or
 - $\mbox{(iii)}$ assaulted in retaliation for performing his or her official duties.
 - (5) A correctional officer or probation officer:
 - (i) performing his or her official duties;
 - $\left(\text{ii}\right)$ assaulted to prevent performance of his or her official duties; or
 - (iii) assaulted in retaliation for performing his or her official duties.
 - (6) A correctional institution employee, a county juvenile detention center employee who provides direct and continuous supervision of residents of a juvenile detention center, including a county juvenile detention center employee who supervises recreational activity for residents of a juvenile detention center, or a Department of Human Services employee, Department of Human Services officer, or employee of a subcontractor of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons:
 - (i) performing his or her official duties;
 - (ii) assaulted to prevent performance of his or her official duties; or
 - (iii) assaulted in retaliation for performing his or her official duties.
 - (7) An employee of the State of Illinois, a municipal corporation therein, or a political subdivision thereof, performing his or her official duties.
 - (8) A transit employee performing his or her official duties, or a transit passenger.
 - (9) A sports official or coach actively participating in any level of athletic competition within a sports venue, on an indoor playing field or outdoor playing

field, or within the immediate vicinity of such a facility or field.

- (10) A person authorized to serve process under Section 2-202 of the Code of Civil Procedure or a special process server appointed by the circuit court, while that individual is in the performance of his or her duties as a process server.
- (c) Offense based on use of firearm, device, or motor vehicle. A person commits aggravated assault when, in committing an assault, he or she does any of the following:
 - (1) Uses a deadly weapon, an air rifle as defined in Section 24.8-0.1 of this Act, or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm.
 - (2) Discharges a firearm, other than from a motor vehicle.
 - (3) Discharges a firearm from a motor vehicle.
 - (4) Wears a hood, robe, or mask to conceal his or her identity.
 - (5) Knowingly and without lawful justification shines or flashes a laser gun sight or other laser device attached to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.
 - (6) Uses a firearm, other than by discharging the firearm, against a peace officer, community policing volunteer, fireman, private security officer, emergency management worker, emergency medical technician, employee of a police department, employee of a sheriff's department, or traffic control municipal employee:
 - (i) performing his or her official duties;
 - (\mbox{ii}) assaulted to prevent performance of his or her official duties; or
 - (\mbox{iii}) assaulted in retaliation for performing his or her official duties.
 - (7) Without justification operates a motor vehicle in a manner which places a person, other than a person listed in subdivision (b)(4), in reasonable apprehension of being struck by the moving motor vehicle.
 - (8) Without justification operates a motor vehicle in a manner which places a person listed in subdivision (b)(4), in reasonable apprehension of being struck by the moving motor vehicle.
 - (9) Knowingly video or audio records the offense with the intent to disseminate the recording.
- (d) Sentence. Aggravated assault as defined in subdivision (a), (b)(1), (b)(2), (b)(3), (b)(4), (b)(7), (b)(8), (b)(9), (c)(1), (c)(4), or (c)(9) is a Class A misdemeanor, except that aggravated assault as defined in subdivision (b)(4) and (b)(7) is a Class 4 felony if a Category I, Category II, or Category III weapon is used in the commission of the assault. Aggravated assault as defined in subdivision (b)(5), (b)(6), (b)(10), (c)(2), (c)(5), (c)(6), or (c)(7) is a Class 4 felony. Aggravated assault as defined in subdivision (c)(3) or (c)(8) is a Class 3 felony.
- (e) For the purposes of this Section, "Category I weapon", "Category II weapon, and "Category III weapon" have the

meanings ascribed to those terms in Section 33A-1 of this Code.

(Source: P.A. 98-385, eff. 1-1-14; 99-78, eff. 7-20-15.)



(720 ILCS 5/33A-1) (from Ch. 38, par. 33A-1) Sec. 33A-1. Legislative intent and definitions.

- - (1) The use of a dangerous weapon in the commission of a felony offense poses a much greater threat to the public health, safety, and general welfare, than when a weapon is not used in the commission of the offense.
 - (2) Further, the use of a firearm greatly facilitates the commission of a criminal offense because of the more lethal nature of a firearm and the greater perceived threat produced in those confronted by a person wielding a firearm. Unlike other dangerous weapons such as knives and clubs, the use of a firearm in the commission of a criminal felony offense significantly escalates the threat and the potential for bodily harm, and the greater range of the firearm increases the potential for harm to more persons. Not only are the victims and bystanders at greater risk when a firearm is used, but also the law enforcement officers whose duty is to confront and apprehend the armed suspect.
 - (3) Current law does contain offenses involving the use or discharge of a gun toward or against a person, such as aggravated battery with a firearm, aggravated discharge of a firearm, and reckless discharge of a firearm; however, the General Assembly has legislated greater penalties for the commission of a felony while in possession of a firearm because it deems such acts as more serious.
 - (b) Legislative intent.
 - (1) In order to deter the use of firearms in the commission of a felony offense, the General Assembly deems it appropriate for a greater penalty to be imposed when a firearm is used or discharged in the commission of an offense than the penalty imposed for using other types of weapons and for the penalty to increase on more serious offenses.
 - (2) With the additional elements of the discharge of a firearm and great bodily harm inflicted by a firearm being added to armed violence and other serious felony offenses, it is the intent of the General Assembly to punish those elements more severely during commission of a felony offense than when those elements stand alone as the act of the offender.
 - (3) It is the intent of the 91st General Assembly that should Public Act 88-680 be declared unconstitutional for a violation of Article 4, Section 8 of the 1970 Constitution of the State of Illinois, the amendatory changes made by Public Act 88-680 to Article 33A of the Criminal Code of 1961 and which are set forth as law in this amendatory Act of the 91st General Assembly are hereby reenacted by this amendatory Act of the 91st General Assembly.
 - (c) Definitions.
 - (1) "Armed with a dangerous weapon". A person is considered armed with a dangerous weapon for purposes of this Article, when he or she carries on or about his or

her person or is otherwise armed with a Category I, Category II, or Category III weapon.

- (2) A Category I weapon is a handgun, sawed-off shotgun, sawed-off rifle, any other firearm small enough to be concealed upon the person, semiautomatic firearm, or machine gun. A Category II weapon is any other rifle, shotgun, spring gun, other firearm, stun gun or taser as defined in paragraph (a) of Section 24-1 of this Code, knife with a blade of at least 3 inches in length, dagger, dirk, switchblade knife, stiletto, axe, hatchet, or other deadly or dangerous weapon or instrument of like character. As used in this subsection (b) "semiautomatic firearm" means a repeating firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round and that requires a separate pull of the trigger to fire each cartridge.
- (3) A Category III weapon is a bludgeon, black-jack, slungshot, sand-bag, sand-club, metal knuckles, billy, or other dangerous weapon of like character.

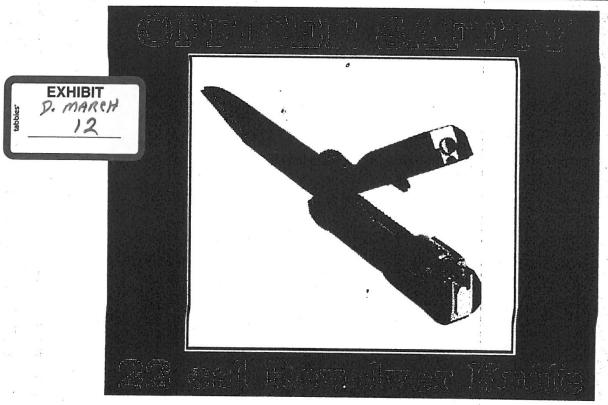
 (Source: P.A. 91-404, eff. 1-1-00; 91-696, eff. 4-13-00.)



CRIME CONTROL STRATEGIES DEPLOYMENT OPERATIONS CENTER







A Midwest intelligence organization is sharing the above captioned photograph for officer safety and awareness.

Officers should take note of the "Revolver Knife" and remain cognizant of its threat to personal safety.

If an officer recovers any such weapon, they are asked to notify CPIC.



This Information Bulletin can be viewed through the Deployment Operations Center link on the Chicago Police Department Intranct Bell 312-745-5669 Pax 0100

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FAILURE TO ADHERE TO THESE POLICIES MAY RESULT IN CIVIL, CRIMINAL OR DISCIPLINARY ACTION.



On Monday, 20 October 2016, at 9:47 pm, civilian Rudy BARILLAS, called 9-1-1 to report that a person, now known as Laquan MCDONALD, was breaking into the trucks parked in the trucking lot at West 41st Street and South Kildare Avenue. After calling 9-1-1, BARILLAS confronted MCDONALD and told him to leave the lot. According to both BARILLAS and

who was also present in the lot, MCDONALD "growled" at BARILLAS. MCDONALD then produced a knife and swung the knife at BARILLAS, attempting to cut him. BARILLAS threw his cellular telephone at MCDONALD, who then fled the lot on foot.

Chicago Police Officers Thomas GAFFNEY and Joseph MCELLIGOTT, were assigned to respond to BARILLAS' call. The officers were both in uniform and were driving a marked police vehicle. When they arrived at the lot, BARILLAS told them what had occurred. BARILLAS gave the officers a description of MCDONALD and told them MCDONALD had fled north on Kildare, then east on West 40th Street.

The officers located MCDONALD walking eastbound on the sidewalk, on the south side of 40th Street, from Kildare. Officer MCELLIGOTT exited the police vehicle and approached MCDONALD on foot. MCELLIGOTT called to MCDONALD and told him to stop. MCDONALD ignored MCELLIGOTT and continued walking eastbound. MCDONALD's hands were in his pockets so MCELLIGOTT told MCDONALD to take his hands out of his pockets. MCDONALD took his hands out of his pockets revealing that he was holding a knife in his right hand. MCELLIGOTT repeatedly ordered MCDONALD to drop the knife but he ignored MCELLIGOTT's directions. As MCDONALD reached South Keeler Avenue, Officer GAFFNEY notified the radio dispatcher that they were following a subject who was armed with a knife, and requested assistance from a unit equipped with a taser.

The officers continued to follow MCDONALD, eastbound on the sidewalk from Keeler Avenue. As MCDONALD approached South Karlov Avenue, Officer GAFFNEY turned his police vehicle southbound onto Karlov and stopped, blocking the crosswalk. The area where this incident began was industrial in nature, and at that time of day, almost 10:00 pm, it was deserted. All of the businesses were closed and there was no vehicular or pedestrian traffic. As MCDONALD continued to walk eastbound however, he was approaching South Pulaski Road, a business street where more civilians were present, both in vehicles and as pedestrians, and occupying the businesses on Pulaski. Officer GAFFNEY wanted to stop MCDONALD before he reached this more populated area and put more people at risk for injury. When GAFFNEY stopped his vehicle in the crosswalk, blocking MCDONALD's path, MCDONALD stabbed the right front tire of the vehicle with his knife, causing the tire to go flat. GAFFNEY immediately informed the radio dispatcher that MCDONALD had attacked the marked police vehicle, and had "popped" the tire with the knife. MCDONALD attempted to walk around the front of the police vehicle and GAFFNEY drove the vehicle forward a short distance to continue to block MCDONALD. At this point MCDONALD stabbed at the windshield of the marked police vehicle, striking it with the knife. He then was able to get around the vehicle and continued eastbound on the sidewalk from Karlov.

At 40th Street and Pulaski Road, on the southwest corner, was a Burger King restaurant with a large parking lot. As assisting police units approached westbound on 40th Street from Pulaski, MCDONALD ran eastbound through the parking lot, on the north side of the Burger King restaurant building. In the restaurant parking lot Chicago Police Officers Joseph WALSH and Jason VAN DYKE were in the first responding assist unit. They took over the pursuit of MCDONALD through the parking lot. These officers were also in uniform and driving a marked

police vehicle. WALSH, who was driving their vehicle, positioned the vehicle between MCDONALD and the restaurant building, to keep MCDONALD from entering the restaurant.

MCDONALD ran through the parking lot and out onto Pulaski Road. He turned southbound and began to walk in the southbound lanes of the street. Officer WALSH pursued MCDONALD with the police vehicle. As MCDONALD continued southbound, WALSH positioned his vehicle between MCDONALD and a Dunkin' Donuts restaurant, on the east side of Pulaski Road. When the police vehicle was alongside MCDONALD, Officer VAN DYKE opened his door to exit the vehicle and confront MCDONALD. WALSH, realizing they were too close to MCDONALD to safely exit the vehicle, told VAN DYKE to wait until they were further ahead of MCDONALD.

Officers WALSH and VAN DYKE drove further south on Pulaski and stopped the police vehicle ahead of MCDONALD. WALSH and VAN DYKE both exited their vehicle and drew their handguns. The officers stood in the street facing northbound, toward MCDONALD. Both officers were in uniform, standing next to their marked police vehicle. As MCDONALD approached southbound, he was holding the knife in his right hand, in an underhand grip, with the blade pointed forward. As he walked toward the officers he swung the knife in an aggressive, exaggerated manner. Both officers ordered him to drop the knife multiple times. MCDONALD ignored these directions and continued to advance toward the officers, with the distance between MCDONALD and the officers decreasing.

When MCDONALD got to within 10 to 15 feet of the officers, he looked toward the officers, squaring his shoulders in their direction. He raised the knife, pointing it at the officers. Officer VAN DYKE, believing MCDONALD was attacking VAN DYKE with the knife, attempting to kill VAN DYKE, fired his handgun in defense of his life, to stop the attack. MCDONALD fell to the ground but continued to move, and continued to grasp the knife, refusing to let go of it. VAN DYKE continued to fire his weapon at MCDONALD as MCDONALD was on the ground, as VAN DYKE thought MCDONALD was attempting to get up, all the while continuing to point the knife at VAN DYKE. VAN DYKE fired his pistol until the slide of the weapon locked in the rearward position, indicating the weapon was empty. VAN DYKE immediately reloaded his weapon with a new magazine and assessed the situation.

MCDONALD was no longer moving and the threat had been mitigated, so the officers approached MCDONALD. MCDONALD was still holding the knife in his right hand and both officers continued to order him to drop the knife. Finally Officer WALSH was able to approach MCDONALD and forcibly kick the knife out of his hand. An ambulance was then requested for MCDONALD. He was transported to Mount Sinai Hospital and subsequently expired from his wounds.

During the course of this investigation a canvass was conducted of the area near the scene for witnesses to this incident including the Burger King restaurant and the Dunkin' Donuts restaurant.

Relevant video recordings were recovered from the in-car video systems of two of the Chicago Police Department vehicles involved in this incident, the Dunkin' Donuts restaurant and the Greater Chicago Food Depository. All of these videos were in my opinion, consistent with the statements of the witnesses in this case.

Additional video was recovered from other sources, including the Burger King restaurant. These video recordings did not contain any video footage relevant to this investigation.

It should be noted that five police units had responded to this incident by the time Officer VAN DYKE fired his handgun at Laquan MCDONALD. Each of these units contained two officers. All five police vehicles were marked vehicles and all ten police officers at or near the scene were in uniform. There can be no doubt that MCDONALD knew the personnel he was interacting with were Chicago Police Officers. Multiple officers issued verbal directions multiple times for MCDONALD to drop the knife with which he was armed. At anytime MCDONALD could have chosen to follow the lawful directions of the officers to drop the knife and this incident would have ended with no harm to anyone involved.

Some relevant state law needs to be cited to understand the findings of this investigation:

- "720 ILCS 5/7-7. Private person's use of force in resisting arrest.
- A person is not authorized to use force to resist an arrest which he knows is being made either by a peace officer or by a private person summoned and directed by a peace officer to make the arrest, even if he believes that the arrest is unlawful and the arrest in fact is unlawful."
- "720 ILCS 5/7-5. Peace officer's use of force in making arrest.
- (a) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that:
- (1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
- (2) The person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay."
- "720 ILCS 5/2-8. "Forcible felony".

"Forcible felony" means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual."

Laquan MCDONALD was committing a burglary in the trucking lot when he was confronted by Rudy BARILLAS. When he produced a knife and attacked BARILLAS with the knife, he attempted to commit first degree murder or aggravated battery resulting in great bodily harm, and armed robbery, all of which are forcible felonies. As stated in the previously cited state statutes, Laquan MCDONALD had absolutely no authority or right to resist being arrested by people he knew to be peace officers. When he ignored the verbal directions of Officer

MCELLIGOTT to stop, and drop the knife he held in his hand as he walked away from MCELLIGOTT, MCDONALD became an offender who had attempted to commit a forcible felony which involved the infliction or threatened infliction of great bodily harm, attempting to escape arrest by the use of a deadly weapon, after having already indicated he would endanger human life or inflict great bodily harm unless arrested without delay. Under these circumstances, I believe Illinois law permitted the use of deadly force by the officers attempting to arrest MCDONALD.

MCDONALD continued to attempt to escape arrest by the use of a deadly weapon when he attacked the police vehicle occupied by Officer GAFFNEY, again using a deadly weapon, further indicating he would endanger human life or inflict great bodily harm unless arrested without delay. Again, under these circumstances, I believe the law permitted the use of deadly force by the officers attempting to arrest MCDONALD.

When Officer VAN DYKE finally confronted MCDONALD on Pulaski Road, VAN DYKE was aware of these previous circumstances from the transmissions he monitored on the police radio. By law, VAN DYKE was justified in using deadly force to effect the arrest of MCDONALD as soon as VAN DYKE exited his police vehicle. However, VAN DYKE instead attempted to arrest MCDONALD without using deadly force, by first drawing his handgun and verbally directing MCDONALD to drop the knife. MCDONALD ignored these directions and continued to advance toward VAN DYKE, with the distance between MCDONALD and VAN DYKE decreasing. It was not until MCDONALD turned directly toward VAN DYKE, squaring his shoulders toward the officer, and raised his knife, pointing it at VAN DYKE, that VAN DYKE, in defense of his life, used deadly force to prevent death or great bodily harm to himself.

The Chicago Police Department policy on the use of force is the other authority in this matter.

General Order G03-02-01, entitled "The Use of Force Model" states:

1 1

"The Department utilizes a Use of Force Model to provide guidance on the appropriate amount of force to be used to effect a lawful purpose. The Use of Force Model employs the progressive and reasonable escalation and de-escalation of member-applied force in proportional response to the actions and level of resistance offered by a subject. Such response may progress from the member's actual presence at the scene to the application of deadly force." ...

This directive also states, "Members are not required to start at the lowest levels of the Use of Force Model: they will select the appropriate level of force based on the subject's actions." ...

"The Use of Force Model is a graphic representation of the guidelines for the appropriate use of force in relation to the actions of a subject." ...

The Use of Force Model graphic basically shows a proportional use of force response to the actions of a subject. It shows that insufficient force used by a Department member will result in "Probable Ineffective Control", while too much force used by a Department member will result in "Probable Excessive Control". In the Use of Force Model graphic, for an "Assailant", whose "actions will likely cause death or serious physical injury", such as Laquan MCDONALD, in this incident, all force options are available to an officer. However, the graphic shows that "Firearms and Other Lethal Force" are most likely to be effective. The graphic shows very little chance of "Probable Excessive Control" against this type of assailant.

General Order G03-02-03 entitled "Deadly Force" states:

"II DEPARTMENT POLICY

- A. A sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes such force is necessary:
 - 1. to prevent death or great bodily harm to the sworn member or to another person, or:
 - 2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
 - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
 - b. is attempting to escape by use of a deadly weapon or;
 - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

This department policy mirrors the applicable state law cited previously.

During the course of this investigation, a number of facts were learned about Laquan MCDONALD. First, he had an extensive criminal history with the Chicago Police Department. At the age of 17 he had been arrested 26 times. Charges for these arrests included Aggravated Battery to a Peace Officer, Resisting Arrest, Battery, Assault, Reckless Conduct, Possession of a Controlled Substance and Possession of Cannabis.

Second, MCDONALD had a history of mental health issues. When notified of MCDONALD's death, his uncle informed detectives that MCDONALD had been prescribed medication but had stopped taking it because he did not like the side effects. There were two documented incidents where MCDONALD had exhibited behavior problems while at school, became violent and school officials called the police. In both of these incidents he was transported to Hartgrove Hospital for evaluation and treatment.

Third, the results of the toxicological examination conducted during the autopsy of MCDONALD revealed the presence of Phencyclidine, or PCP, in his blood.

We will never know what motivated the actions of Laquan MCDONALD during this incident. Whether he was a violent criminal intent on not being apprehended, whether he was in the midst of a mental health crisis, whether he was under the influence of a mind altering drug or any combination of the three. In any case, in the situation the police officers encountered dealing with MCDONALD, he was never contained and never communicated with anyone he encountered. Under such circumstances the subject's motivation is a moot point. A violent criminal, a person in the midst of a mental health crisis and a person under the influence of any

substance, armed with a deadly weapon, are all equally dangerous, and deadly, to both the police and the civilian population.

Some talk about de-escalation techniques as an alternative to deadly force. I am a member of the Department's Crisis / Hostage Negotiation Team. I have received training from the Federal Bureau of Investigation and have attended the Department's Crisis Intervention Team (CIT) training. In order to have any chance at successfully using any de-escalation techniques to resolve a situation, whether it involves a violent criminal, person with a mental health history in crisis or a person under the influence of any substance, first, the person and the situation must be contained and second, there must be communication.

In this incident, Laquan MCDONALD was never contained as he continued to walk down the street during the entire incident, able to attack anyone at anytime. He also never communicated with anyone, from his first contact with Rudy BARILLAS through his contact with multiple police officers.

I do not believe anyone knows more about what happened in this incident than I do. I was at the scene shortly after it occurred and have personally spoken to all of the police officers involved. As the primary detective assigned to this investigation I was aware of all of the actions taken during this investigation, and personally in contact with all personnel participating in these actions.

Many people have commented on this incident in the time since it occurred. I have been asked a number of times if I knew that night, at the scene, if this shooting incident was going to be a problem. My response has always been that the actions of all of the police officers involved in this incident were absolutely proper. To this day I believe this to be true.

There are two issues at the heart of this matter. The first is the use of deadly force by Officer Jason VAN DYKE. For the reasons previously stated I believe, and continue to believe that his use of deadly force was permitted by Illinois law and Chicago Police Department policy.

The second is the number of shots. As soon as most people hear that a 17 year old offender, armed with a knife was shot 16 times, their first instinct might be to think this excessive. Without knowing and understanding all of the specific details of this particular incident, this is understandable. One needs to consider the "totality of the circumstances", as the law refers to it, to make an informed, educated and intelligent conclusion.

There will always be a segment of the population that has an unrealistic expectation of police officers. They will question why the police shot and killed an offender instead of shooting the weapon out of his hand. They will never understand the reality of the situation. Fortunately for many, they have not had the experience of putting on a uniform, whether it be as a member of the military service, or as a police officer, and putting their life on the line in a violent confrontation.

Police officers, including Chicago Police Officers, are trained that during the stress of an armed confrontation, the fine motor skills required for the highest levels of accuracy in firing a handgun, deteriorate. Officers are trained to shoot for "center mass", the torso area of an assailant, as this is the largest area, giving one the greatest chances of success. Also, officers are trained specifically not to fire just one shot and then check to see if it was effective. It is very easy

under the stress of the situation to miss the target, and even if one hits the target, firearms are not a guaranteed solution. There have been many instances of offenders shot multiple times who continued their attacks. Officers are trained to shoot as long as they perceive a threat, until the threat is eliminated.

This is the key in this situation. Officer VAN DYKE explained that he fired his handgun at MCDONALD because MCDONALD was attacking VAN DYKE with a knife. VAN DYKE continued to fire his weapon at MCDONALD as he was on the ground because MCDONALD continued to move and continued to grasp the knife, continuing to point it at VAN DYKE. VAN DYKE explained that he believed MCDONALD was attempting to get up and continue his attack on VAN DYKE.

Officer VAN DYKE was not wearing a body camera and there is no video footage showing the perspective of what VAN DYKE saw as he confronted MCDONALD. However, the video footage that was recovered in this investigation clearly shows that MCDONALD did in fact advance toward VAN DYKE. From the time VAN DYKE exited his police vehicle until the time he fired his handgun, the distance between VAN DYKE and MCDONALD decreased. When MCDONALD fell to the pavement he continued to move, continued to grasp the knife, and continued to point the knife at VAN DYKE. Even after having been shot 16 times, MCDONALD continued to grasp the knife and point it at VAN DYKE. MCDONALD did not relinquish his weapon until Officer WALSH forcibly kicked it from MCDONALD's hand. This video evidence is consistent with VAN DYKE's statement. In fact, it should be noted that per the autopsy conducted by the Office of the Medical Examiner of Cook County, MCDONALD was shot three times in the right arm and once in the right hand, and still continued to grasp the knife with his right hand.

Everyone is certainly entitled to their opinion. People can debate until the end of time whether or not they would have handled this situation in the same manner or whether this was the best way to handle this situation. However, in my opinion, according to Illinois law and Chicago Police Department policy, the actions of Officer Jason VAN DYKE were justified.

Most police actions in serious incidents such as this are not the work of a single officer but of multiple officers working together as a team. This is exactly what occurred in this incident. The officers of the 008th District, primarily Officers GAFFNEY, MCELLIGOTT, WALSH and VAN DYKE, responded in a team effort, to a call for service from a civilian who had been the victim of a forcible felony.

As a team, the officers exercised extraordinary restraint in dealing with Laquan MCDONALD, attempting to use the least amount of force necessary to take him into custody and place him under arrest. The officers, all of whom were in uniform, first used "social control / police presence" and "verbal control". Officer MCELLIGOTT used these force options when he first encountered MCDONALD. MCELLIGOTT exited his marked police vehicle, in uniform, and first directed MCDONALD to stop. MCDONALD ignored this direction. When MCDONALD took his hands out of his pockets, revealing that he was armed with a knife, MCELLIGOTT ordered MCDONALD multiple times to drop the knife. Again MCDONALD ignored MCELLIGOTT. Officer GAFFNEY then requested a unit with a taser over the police radio. This was appropriate since, at this point, MCDONALD was in a deserted area and there was no risk to any civilians. Officers WALSH and VAN DYKE were aware of these actions as they monitored the transmissions on the police radio.

As MCDONALD fled on foot, through the Burger King restaurant parking lot, he was entering a more populated area along Pulaski Road, a business street, with vehicular traffic, pedestrians and open businesses occupied by civilians, all of whom were now at risk. This is why Officer WALSH used his police vehicle to block MCDONALD's path first, toward the Burger King restaurant, and then, toward the Dunkin' Donuts restaurant.

When Officers VAN DYKE and WALSH stopped and exited their vehicle to confront MCDONALD it was because the threat to the public had escalated in this more populated environment. This threat continued to escalate as MCDONALD walked southbound. The two officers both exited their marked police vehicle, in uniform, drew their handguns, pointed their weapons at MCDONALD and ordered him multiple times to drop his knife. They made every effort to arrest MCDONALD without using deadly force. Again MCDONALD ignored any verbal direction from the officers. Finally, with MCDONALD closing the distance between himself and the officers, when he turned toward the officers and raised his knife, pointing it at them, VAN DYKE, seeing no other option, in defense of his life, fired his handgun at MCDONALD.

The decision to confront MCDONALD at that time and at that location was tactically sound. As noted, the risk to the nearby civilian population was increasing as MCDONALD proceeded southbound on Pulaski. At that particular location though, there were no civilians immediately placed at risk by the confrontation with the armed MCDONALD. There were also not a large number of police officers around MCDONALD, minimizing the risk of a crossfire situation if deadly force became necessary. Also, the background behind MCDONALD, toward which Officer VAN DYKE fired his handgun, was a large vacant lot followed by industrial buildings that were either vacant or minimally occupied. Again, if the use of firearms became necessary, the risk of harm to any other individuals was minimal.

This entire encounter between the police and Laquan MCDONALD, from Officer MCELLIGOTT's first contact on 40th Street until Officer VAN DYKE fired his weapon, lasted more that four minutes, as indicated by the police radio transmissions. During that time MCDONALD traveled on foot more than four city blocks. For a police encounter with an armed subject, who was not contained, this was a long period of time. MCDONALD was given a great deal of latitude in terms of movement, before the police decided they could wait no longer and needed to take action to stop MCDONALD, to protect the public who were becoming more and more at risk. That is when Officers VAN DYKE and WALSH acted.

It should be noted that at the time VAN DYKE fired his weapon, of the ten officers present near the scene of this incident, none was equipped with a taser. It should also be noted that many use of force experts and defensive tactics instructors would say that a taser was not the appropriate use of force against an assailant armed with a knife, especially one who had already displayed a willingness to use the knife. This is because, per Chicago Police Department policy, the use of a taser would require an officer to get within 18 feet of a subject, the optimum effective range of the Department's tasers being 7 to 15 feet. This would put the officer too close to the assailant, especially if the taser was ineffective, with insufficient time to transition to his firearm to defend himself. A taser, like a firearm, is not a guaranteed solution. The same variables exist with this force option. Two projectiles, or probes, connected to the taser by wires, must both effectively engage the target, who may be moving. One or both or the probes could miss the target. Thick or multiple layers of clothing can prevent one or both probes from effectively engaging the target. If both probes do not engage the target effectively,

the taser will have no effect at all. Additionally, even if the officer is able to successfully deploy the taser against a subject, there is no guarantee it will be totally effective and stop the subject.

One claim made by many who have been critical of Officer VAN DYKE is that there were ten officers on the scene of this incident and only one fired his weapon. It is opined that since the other nine officers did not see a need to fire their handguns, VAN DYKE was wrong, and did not need to fire his weapon. Again, one needs to consider the "totality of the circumstances", to make an informed, educated and intelligent conclusion. Of the ten officers, five of them, Officers GAFFNEY, SEBASTIAN, MONDRAGON, BACERRA and VELEZ were still in their police vehicles and were not in a position to see who fired the gunshots. Officer MCELLIGOTT, who had originally been following MCDONALD on foot, was unable to keep up with MCDONALD, and was not in a position to see who fired the gunshots. Officers FONTAINE and VIRAMONTES had just arrived at the scene and exited their police vehicle. They were farther away from MCDONALD and Officers VAN DYKE and WALSH were between them and MCDONALD. Officer WALSH stated that he believed MCDONALD was attacking WALSH and VAN DYKE with the knife when VAN DYKE fired his handgun, but WALSH did not fire his weapon because VAN DYKE was slightly ahead of WALSH, and therefore, in his line of fire. This was apparent in the video evidence recovered in this investigation.

During the entire investigation of this incident I had multiple consultations with my immediate supervisors, including Sergeant Daniel GALLAGHER, Lieutenant Anthony WOJCIK, Lieutenant Osvaldo VALDEZ and Commander Eugene ROY. During all of these consultations I was repeatedly told that my interpretation and understanding of the events in this incident, as well as my conclusions, were accurate and correct. The incident commander, on the night this incident occurred, Deputy Chief David MCNAUGHTON, also agreed with this investigation, as evidenced by his approval of the Tactical Response Report submitted by Officer Jason VAN DYKE, where MCNAUGHTON checked the box stating "I have concluded that the member's actions were in compliance with department procedures and directives." At the time of this approval, the in-car camera video from the police vehicles and the video from the Dunkin' Donuts restaurant had been recovered and reviewed by all personnel involved in this investigation, including MCNAUGHTON, and personnel from the Independent Police Review Authority. No one ever expressed any reservations regarding the investigation of this incident. Commander ROY and Lieutenant VALDEZ both personally informed me that each of them had conducted separate briefings on this incident at the Public Safety Headquarters, for members of the command staff, at separate Executive Management Meetings. Both ROY and VALDEZ informed me that the entire command staff of the police department, up to and including the superintendent, agreed with the findings of this investigation and that no one had expressed any reservations.

Officer Jason VAN DYKE gave his statement to the Independent Police Review Authority within days of this incident and was returned to full duty in his unit of assignment. Another indication that no one questioned the results of this investigation.

Since this incident occurred, all of the exempt members in my chain of command have been promoted. Commander ROY was promoted to Deputy Chief and is now Chief of the Bureau of Detectives. Deputy Chief Anthony RICCIO was promoted to Chief of the Bureau of Organized Crime. Chief John ESCALANTE was promoted to First Deputy Superintendent of the Department. This investigation was conducted under the supervision of each of these command staff members. Now they are promoted and I am under investigation for separation

from the Department? First Deputy ESCALANTE stated at a news conference, shortly after being promoted, that he viewed the video of this incident two days after it occurred and found it "troubling." As the Chief of the Bureau of Detectives at that time of this incident, Chief ESCALANTE never communicated either directly or indirectly to his primary investigator, me, how troubling he found this video. As I said, no one voiced any reservations or concerns to me regarding this incident or this investigation. I was informed that the entire command staff concurred with the findings and conclusions of my investigation.

For eighteen months now, I have heard people criticize Officer Jason VAN DYKE, saying what he did was wrong. Not once have I heard anyone suggest what he should have done instead of the actions he did take. Is it really being suggested that the police should have done nothing and permitted Laquan MCDONALD to continue on his way and not stop him? A subject armed with a deadly weapon, a knife, committed multiple criminal offenses, including forcible felonies, ignored lawful orders from multiple uniformed police officers to drop his weapon and surrender, over the course of more than four minutes and four city blocks, and continued down the street, weapon in hand, putting everyone in his path at risk. Is it seriously being suggested that the police should not take action against this subject until he gains entry to one of the commercial businesses along his path, and actually attacks someone, actually inflicting death or great bodily harm? And then, in an environment where civilians are present, the police should engage this subject in a violent confrontation, creating additional risk of injury? In my opinion this is not responsible law enforcement.



(720 ILCS 5/7-4) (from Ch. 38, par. 7-4)

Sec. 7-4. Use of force by aggressor.

The justification described in the preceding Sections of this Article is not available to a person who:

- (a) Is attempting to commit, committing, or escaping after the commission of, a forcible felony; or
- (b) Initially provokes the use of force against himself, with the intent to use such force as an excuse to inflict bodily harm upon the assailant; or
- (c) Otherwise initially provokes the use of force against himself, unless:
- (1) Such force is so great that he reasonably believes that he is in imminent danger of death or great bodily harm, and that he has exhausted every reasonable means to escape such danger other than the use of force which is likely to cause death or great bodily harm to the assailant; or
- (2) In good faith, he withdraws from physical contact with the assailant and indicates clearly to the assailant that he desires to withdraw and terminate the use of force, but the assailant continues or resumes the use of force.

(Source: Laws 1961, p. 1983.)

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

OTTION OF MAIN DOT ON COMMENT
ADVISEMENT OF RIGHTS
I, Davio March understand that I am being interviewed by Peter Neumer and Kristopher Brown from the City of Chicago Office of Inspector General.
DATE 4/26/16 TIME 10: 04AM LOCATION 300 W. Dams St. Sute 800
I understand that this interview is part of an official investigation and that I have a duty to cooperate with the Office of Inspector General, which includes answering all questions completely and truthfully.
I understand that I have no right to remain silent. I understand that I have an obligation to answer questions put to me truthfully. I understand that if I refuse to answer questions put to me, I will be ordered by a superior officer to answer the questions. I further understand and I have been advised that if I persist in my refusal to answer after an order to do so, such further refusal constitutes a violation of the Rules and Regulations of the Chicago Police Department and may serve as the basis for my discharge.
I understand and have been advised that my statements or responses may constitute an official police report. I understand that Rule 14 of the Chicago Police Department's Rules and Regulations prohibits making a false report, written or oral, and I further understand that making such a false report, whether written or oral, may result in my separation from the Chicago Police Department.
I understand that any statement made by me during this interview may be used as evidence of misconduct or as the basis for disciplinary action up to and including removal or discharge.
I understand that any statement made by me during this interview and the fruits thereof cannot be used against me in a criminal proceeding.
I understand that I have the right to have a union representative, or legal counsel of my choosing, present at the interview to consult with, and that I will be given a reasonable time to obtain a union representative or legal counsel as long as the interview is not unduly delayed.
I understand that a refusal to answer any question, or any false, inaccurate, or deliberately incomplete statement by me would constitute a violation of Chicago Municipal Ordinance 2-56, and may serve as the basis for my discharge.
I acknowledge that this statement of my administrative rights has been read aloud to me, and I have been allowed to review this document.
Employee Signature
Witness: Witness: Witness:

WAIVER Understanding these rights, I wish to answer questions from investigators from the Office of Inspector General without having a union representative or legal counsel present. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.
Employee Signature: EXHIBIT

	INTERVIEW TO CPD I OF INSPECTOR GENERAL	MEMBER	DATE April 7, 2016
NAME	RANK	STAR NO.	UNIT OF ASSIGNMENT
David March	Detective	20563	610

YOUR APPEARANCE	E IS REQUIRED
	DATE
ON	

5:00 PM Chicago, IL 60606 April 26, 2016 ☐ COMPLAINANT ☐ WITNESS AS

⋈ A STATEMENT FOR

Amicus Court Reporters 300 West Adams, Ste 800

CONCERNING

 \boxtimes AT

Detective David March's failure to: (1) conduct a complete, thorough, properly documented, and professional investigation respecting RD # HX475653; and (2) draft truthful, complete, and objective reports concerning the McDonald Shooting.

YOU ARE TO REPORT TO:

LEAD INVESTIGATOR

TITLE

PHONE NO.

EMAIL

Kristopher Brown

Investigator III

773-478-0221

kbrown@chicagoinspectorgeneral.org

TIME

NOTE: You MUST notify the Lead Investigator of your inability to keep this scheduled appointment.

ALSO PRESENT AT THE INTERVIEW WILL BE:

NAME TITLE TITLE NAME Peter Neumer Assistant Inspector General N/A N/A

THE INTERVIEW WILL BE

AUDIO RECORDED

TRANSCRIBED BY A LIVE REPORTER

TO BE COMPLETED BY INTERVIEWEE (if applicable)

ACKNOWLEDGEMENT

Please contact Investigator Brown at (773) 478-0221 to confirm receipt of Notification of Interview and to confirm your attendance at the interview.

I hereby acknowledge receipt of this Notification of Interview.

SIGNATURE

DATE 07APR 2016
TIME 1600

EXHIBIT

PRINTED NAME

TO BE COMPLETED BY OFFICE OF INSPECTOR GENERAL OR CPD COMPONENT PROVIDING NOTIFICATION TO INTERVIEWEE				
NOTIFICATION MADE TO:	TITLE, RANK, & UNIT	DATE	TIME	
NOTIFICATION MADE BY:	TITLE, RANK, & UNIT	DATE	TIME	

NOTIFICATION OF ALLEGATIONS

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

NAME OF ACCUSED	RANK	STAR NO.	UNIT OF ASSIGNMENT
David March	Detective	20563	610

City ordinance, and if applicable, collective bargaining agreements, provide that you are entitled to notice of the nature of the allegations against you and the identity of all complainants prior to any interview. Accordingly, you are advised as follows:

COMPLAINANT(S)

1. John J. Escalante, Interim Superintendent of Chicago Police Department, sent a letter to the City of Chicago Office of Inspector General (OIG) dated January 13, 2016, requesting that OIG conduct an administrative investigation of the following allegations arising out of the October 20, 2014 shooting death of Laquan McDonald (the McDonald Shooting): "whether any officer(s) made false statements on official reports submitted in connection with the shooting of Laquan McDonald on October 20, 2014; whether any officer(s) obstructed or interfered with the investigation of this incident, either individually or in collusion with others; and whether any officer(s) committed any violation of Chicago Police Department rules, policies, or orders in connection with their response and/or handling of this matter." Escalante attached to the letter a copy of Sergeant S. Soria's (Star # 2275) Initiation Report, which raises similar allegations of misconduct with respect to Department members in connection with the McDonald Shooting, and identified that Report as a basis for OIG's administrative investigation.

ALLEGATION (S)

- You failed to conduct a complete, thorough, properly documented, and professional investigation respecting RD # HX475653. Specifically:
 - a. You failed to draft truthful, complete, and objective case supplementary reports concerning the McDonald Shooting. Specifically:
 - i. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301, concluded that Officer Van Dyke's use of force was within the bounds of the Chicago Police Department's use of force guidelines and in conformity with local ordinances and state law, despite available evidence to the contrary, including video recordings of the McDonald Shooting.
 - ii. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301, falsely stated that the in-car camera videos recovered from Vehicles 813R and 845R were consistent with the accounts of all the witnesses to the McDonald Shooting.
 - iii. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301, contained a description of the McDonald Shooting as captured by the in-car camera video recovered from Vehicle 813R, but that description failed to note that McDonald



- changed the direction in which he was walking prior to the shooting;
- iv. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301, contained a description of the McDonald Shooting as captured by the in-car camera video recovered from Vehicle 813R, but that description failed to note that Officer Van Dyke and Officer Walsh moved towards McDonald prior to the shooting;
- v. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301, contained a description of the McDonald Shooting as captured by the in-car camera video recovered from Vehicle 813R, but that description failed to note that Officer Van Dyke continued to fire at McDonald after McDonald was on the ground;
- vi. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301, falsely determined that Laquan McDonald initiated the imminent use of force likely to cause death or serious injury when "he initiated an attack on Officers Jason Van Dyke and Joseph Walsh."
- vii. On or about October 21, 2014, you and Officer Van Dyke creatèd a false justification for his shooting of Laquan McDonald and included that false justification in the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301.
- viii. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301, falsely stated that Officer Dora Fontaine, during her October 20, 2014 interview with you, stated that McDonald raised his right arm toward Officer Van Dyke, as if attacking Van Dyke.
- ix. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301, falsely stated that Officer Janet Mondragon, during her October 20, 2014 interview with you, stated that McDonald continued to wave a knife as he got closer and closer to Officers Van Dyke and Walsh.
- x. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301, falsely stated that Officer Walsh related the same facts to you as his partner Officer Van Dyke;
- xi. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301, falsely stated that Officer McElligott related the same facts to you as his partner Officer Gaffney;

- xii. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301, falsely stated that Officer Mondragon related the same facts to you as her partner Officer Sebastian;
- xiii. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301, falsely stated that Officer Velez related the same facts to you as her partner Officer Bacerra;
- xiv. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10992767 CASR301, falsely stated that Officer Viramontes related the same facts to you as his partner Officer Fontaine;
- xv. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10988891 CASR339, falsely stated that McDonald was shot and killed by Officer Van Dyke while McDonald was committing an aggravated assault with a knife against Officers Van Dyke and Walsh.
- xvi. the case supplementary report you submitted on or about March 15, 2015, with the "Sup ID" 10988891 CASR339, falsely stated in the "Additional just homicide descr." section that McDonald "Attacked Officer That Officer Killed Criminal."
- b. You failed to pursue relevant, material, and reasonable investigative leads, including but not limited to:
 - i. failing to take reasonable steps to identify and interview material witnesses, including but not limited to (1) the witness to the McDonald Shooting identified by law professor Craig Futterman, and (2) the employees of the Dunkin' Donuts store that was located in close proximity to the McDonald Shooting;
 - ii. failing to properly and thoroughly document the statement Officer Van Dyke made to you on or about October 21, 2014 at Area Central in the General Progress Report you completed regarding that interview;
- 2. On or about October 20, 2014 and October 21, 2014, you engaged in witness tampering by showing witnesses to the McDonald Shooting a video of the shooting and attempting to influence the testimony of those witnesses as they viewed the video.
- 3. You obstructed justice by failing to conduct a complete, thorough, properly documented, and professional investigation respecting RD # HX475653 in the ways enumerated in allegations 1 and 2.
- 4. You falsely stated in the case incident report for RD # HX486155, with the "Case ID" 9837884 CASR229, that McDonald committed aggravated assaults against Officers Gaffney, Van Dyke, and Walsh that forced Van Dyke "in defense of his life, to shoot and kill McDonald."

- 5. You falsely stated in two Evidence Submission Forms, Form # 54818.E and Form # 54818.F, that were submitted to the Illinois State Police regarding "Incident" RD HX475653, that McDonald assaulted three Chicago Police Officers with a knife.
- 6. You falsely stated in a Major Incident Notification Detail for "Incident N[umber]" 73204 regarding RD # HX475653, that McDonald continued to approach Officers Walsh and Van Dyke and that Van Dyke, fearing for his life, discharged his weapon.
- 7. The General Progress Report you completed on or about October 20, 2014 concerning your interview of Officer Fontaine falsely stated that Fontaine stated that she "heard POs repeatedly 'Drop the knife!' O ignored, raised R arm toward VD as if attacking VD."
- 8. The General Progress Report you completed on or about October 20, 2014 concerning your interview of Officer Mondragon falsely stated that Mondragon stated that she "heard POs repeatedly, 'Drop the knife!' as O got closer + closer to POs continuing to wave knife."

ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the identity of the complainant(s) and notice of the nature of the allegation(s) against me.

Signature Savid M MARCH	Date 07 ATR 2016.
WITNESSES	
1888	



RECEIPT FORM

OIG FILE NO.	15-0564		
ON	07 APR 16		105 HRS
	DATE	TIME	
	SGT J. FIEDLER #1888	SO-T	
☐ SEIZED FRO	M RECEIVED FROM	RETURNED TO	☐ RELEASED TO
NAME		TITLE	DEPT.
David March		Detective	Chicago Police Department

THE FOLLOWING ITEM(S):

- 1. A City of Chicago Office of Inspector General DVD containing the following materials:
 - a copy of a March 16, 2015 Case Supplementary Report for R.D. No. HX475653 with the "Sup ID" of 10992767 CASR301;
 - a copy of a March 16, 2015 Case Supplementary Report for R.D. No. HX475653 with the "Sup ID" of 10988891 CASR339;
 - a copy of a case incident report for R.D. No. HX486155, with the "Case ID" 9837884
 CASR229
 - a copy of Detective March's October 20, 2014 General Progress Report for R.D. No. HX475653 concerning March's October 20, 2014 interview of Officer Dora Fontaine;
 - a copy of Detective March's October 20, 2014 General Progress Report for R.D. No. HX475653 concerning March's October 20, 2014 interview of Officer Janet Mondragon;
 - a copy of Detective March's October 20, 2014 General Progress Reports for R.D. No. HX475653 concerning March's October 20, 2014 interviews of Officer Jason Van Dyke;
 - a copy of Evidence Submission Form 54818.E for "Incident" RD HX475653;



- a copy of Evidence Submission Form 54818.F for "Incident" RD HX475653;
- a copy of a Major Incident Notification Detail for "Incident No" 73204;
- The October 20, 2014 audio and video files for the in-car video system of beat number 813R;
- The October 20, 2014 audio and video files for the in-car video system of beat number 845R;
- The October 20, 2014 Dunkin Donuts security video of the Laquan McDonald shooting.

ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the above-listed item(s).			
Signature Davil May b	Date	07 APA	2216
Printed Name Savid M MARCH	Time	1605	
WITNESSES			
1588			

CHICAGO POLICE DEPARTMENT

CASE SUPPLEMENTARY REPORT 3510 S. Michigan Avenue, Chicago, Illinois 60653

(For use by Chicago Police - Bureau of Investigative Services Personnel Only)

HX475653

Case id :

9825613 10992767 CASR301

EXC. CLEARED CLOSED (OTHER EXCEPTIONAL) DETECTIVE SUP. APPROVA						PLETE
Last Offense Classification/Re-Classification	IUCR Code	Original Offense Classification				IUCR Code
ASSAULT / Aggravated Po:Knife/Cut Instr	0552	ASSAULT / Aggravated Po:Knife/Cut Instr			0552	
Address of Occurrence	Beat of Occur	No of Victims No of C		Offenders	No of Arrested	SCR No
4112 S PULASKI RD	815	4		1	1	
Location Type	Location Code	Secondary Location				Hate Crime?
Street	304					NO
Date of Occurrence	Unit Assigned	Date RO Arrived		Fire Related?	Gang Related?	Domestic Related?
20-OCT-2014 21:57	0841R	20-OCT-2014 21:57		NO	NO	NO

Reporting Officer	Star No	Approving Supervisor	Star No	Primary Detective Assigned	Star No
MARCH, David	20563	WOJCIK, Anthony	481	MARCH, David	20563
Date Submitted Date Approved		Date Approved	· · · · · · · · · · · · · · · · · · ·	Assignment Type	
15-MAR-2015 18:26 16-MAR-2015 00:03		FIELD	***************************************		

THIS IS A FIELD INVESTIGATION EXC. CLEARED CLOSED (OTHER EXCEPTIONAL) REPORT

VICTIM(S):

GAFFNEY, Thomas J

Male / White / 41 Years

EMPLOYMENT: Chicago Police Officer #19958 Chicago Police Officer

EMPLOYER BUSINESS NME: Chicago Police Department

BUS: 3420 W 63rd St Chicago IL 312-747-8730

MCELLIGOTT, Joseph P

Male / White / 36 Years

EMPLOYMENT: Chicago Police Officer #18715 Chicago Police Officer

EMPLOYER BUSINESS NME: Chicago Police Department

BUS: 3420 W 63rd St Chicago IL 312-747-8730

VAN DYKE, Jason D

Male / White / 36 Years

EMPLOYMENT: Chicago Police Officer #9465 Chicago Police Officer

EMPLOYER BUSINESS NME: Chicago Police Department

BUS: 3420 W 63rd St Chicago IL 312-747-8730

WALSH, Joseph J

Male / White / 45 Years

EMPLOYMENT: Chicago Police Officer #12865 Chicago Police Officer

EMPLOYER BUSINESS NME: Chicago Police Depart 101 / 12/25

BUS: 3420 W 63rd St Chicago IL

Attachment 151

HX475653



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"Bon-Bon"

312-747-8730

OFFENDER(S):

MCDONALD, Laquan J

-- In Custody --

ALIAS:

Male / Black / 17 Years

DOB:

RES:

AND STREET

BIRTH PL: Illinois

DECORIDE OF

DESCRIPTION: 6'02,180,Black Hair, Dreadlocks Hair Style, Brown Eyes, Medium

Complexion

ITEM USED: Weapon

DLN/ID:

OTHER IDENTIFICATIONS:

Type - Other Id

State - Unknown

IR #: 2106340

SID #:

ORGANIZATION: NEW BREED

RELATIONSHIP OF VICTIM TO OFFENDER:

GAFFNEY, Thomas No Relationship MCELLIGOTT, Joseph No Relationship VAN DYKE, Jason No Relationship WALSH, Joseph No Relationship

GANG INFORMATION:

LISTED CRIMINAL ORGANIZATION: New Breed

GANG IDENTIFIERS: Other

OFFENDER INJURIES:

MCDONALD, Laquan J

Type Weapon Used

Weapon Description

Gun Shot Wound Handgun

Other -Handgun

Injured by Police

Chicago Fire Department Provided First Aid

EXTENT OF INJURY: Multiple Gsw

HOSPITAL REMOVED BY: Cfd Ambulance 21

HOSPITAL: Mt. Sinai

INJURY TREATMENT: Multiple Gsw

PHYSICIAN NAME: Dr Pitzele

WEAPON(S):

INV #: 13296449

Evidence

Smith & Wesson -Us- (Bodyguard, Chief Special), 5942, 9, Semi-Automatic

Pistol, Semi-Automatic, 4", Stainless

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SERIAL #:

MAGAZINE CAPACITY: 15

Number Of Live Rounds present in the Firearm - 15 Number Of Live Rounds used in the Firearm - 16

The Status Of This Firearm is 628361

PROPERTY TYPE: Other **OWNER:** Van Dyke, Jason

POSSESSOR/USER: Van Dyke, Jason

PHONE #: 312 - 747 - 8730

LOCATION FOUND: 5101 S Wentworth Ave

VEHICLE INFO:

Truck, 2010 / Chevrolet / Tahoe / Truck

, Victims Vehicle

VIN: 1GNMCAE0XAR263348

Evidence

YEAR (RANGE): 2010

COLOR (TOP/BOTTOM): White / White OWNER: Chicago Police Department POSSESSOR/USER: Gaffney, Thomas

PHONE#: 312 - 747 - 8730

LOCATION FOUND: 4102 S Pulaski Rd

LICENSE: MP6581, Law Enforcement (City, County, State, Sos), IL

LOCATION OF INCIDENT:

4112 S Pulaski Rd

Chicago IL 304 - Street

DATE & TIME OF INCIDENT:

20-OCT-2014 21:57

WEATHER AND

LIGHTING:

WEATHER: Cloudy & Cool

TEMPERATURE: 50s

LIGHTING: Dark / Artificial Light
LIGHTING SOURCE: Streetlights

DISTANCE: Overhead

MOTIVE CODE(S):

Interceding In A Felony

CAUSE CODE(S):

Dna

METHOD CODE(S):

Offender Shot

CAU CODE(S):

Police Related Not Con

FIREARM(S)

INV #: 13296449

Evidence

RECOVERED:

Smith & Wesson -Us- (Bodyguard, Chief Special), 5942, 9, Semi-

Automatic Pistol, Semi-Automatic, 4", Stainless

SERIAL #:

PROPERTY TYPE: Other

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OWNER: Van Dyke, Jason

POSSESSOR/USER: Van Dyke, Jason

PHONE #: 312 - 747 - 8730

LOCATION FOUND: 5101 S Wentworth Ave

MAGAZINE CAPACITY: 15

Number Of Live Rounds present in the Firearm - 15 Number Of Live Rounds used in the Firearm - 16

VEHICLE(S) DAMAGED:

Truck, 2010 / Chevrolet / Tahoe / Truck

VIN: 1GNMCAE0XAR263348

Evidence

YEAR - YEAR RANGE END: 2010
COLOR (TOP/BOTTOM): White / White
OWNER: Chicago Police Department
POSSESSOR/USER: Gaffney, Thomas

PHONE#: 312 - 747 - 8730

LOCATION FOUND: 4102 S Pulaski Rd

LICENSE: MP6581, Law Enforcement (City, County, State, Sos), IL

PERSONNEL ASSIGNED:

Detective/Investigator

MARCH, David M

20563

Reporting Officer

FONTAINE, Dora

4484

BEAT: 0841R

WITNESS(ES):

BACERRA, Arturo

Male / White Hispanic / 32 Years

EMPLOYMENT: Chicago Police Officer #15790 Chicago Police Officer

BUS: 3420 W 63rd St Chicago IL

010009012

312-747-8730

BENITEZ, Alma P

Female / White Hispanic / 29 Years

DOB:

RES:



OTHER COMMUNICATIONS:

Cellular

Phone:

CALDERON-BAUTISTA, Andrea

Female / White Hispanic / 19 Years

DOB:

RES:



BUS:

4060 S Pulaski Rd

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Chicago IL 773-843-0144 DLN/ID: COSS, Renato (NMI) ,Jr Male / White Hispanic / 18 Years DOB: RES: OTHER COMMUNICATIONS: Cellular Phone: DLN/ID: FALCON, Socorro Female / White Hispanic / 24 Years DOB: RES: **EMPLOYMENT:** Shift Manager BUS: 4060 S Pulaski Rd Chicago IL 773-843-0144 OTHER COMMUNICATIONS: Cellular Phone: FONTAINE, Dora Female / White Hispanic / 47 Years EMPLOYMENT: Chicago Police Officer #4484 Chicago Police Officer BUS: 3420 W 63rd St Chicago IL 312-747-8730 GARCIA, Eddie Male / White Hispanic / 25 Years DOB: RES: 4400 S Pulaski Rd BUS: Chicago IL OTHER COMMUNICATIONS: Cellular Phone: SSN: GARCIA, Yuli

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Female / White Hispanic / 30 Years

DOB:

OTHER COMMUNICATIONS:

Cellular
Phone:

GARCIA, Robert

Male / White Hispanic / 24 Years

DOB:

RES:

SSN:
DLN/ID:
MONDRAGON, Janet

Female / White Hispanic / 37 Years

EMPLOYMENT: Chicago Police Officer #4364 Chicago Police Officer

BUS: 3420 W 63rd St Chicago IL 312-747-8730

SEBASTIAN, Daphne L

Female / White / 45 Years

EMPLOYMENT: Chicago Police Officer #2763 Chicago Police Officer

BUS: 3420 W 63rd St Chicago IL 312-747-8730

VELEZ, Leticia

Female / White Hispanic / 43 Years

EMPLOYMENT: Chicago Police Officer #10385 Chicago Police Officer

BUS: 3420 W 63rd St Chicago IL 312-747-8730

VIRAMONTES, Ricardo

Male / White Hispanic / 41 Years

EMPLOYMENT: Chicago Police Officer #10590 Chicago Police Officer

BUS: 3420 W 63rd St Chicago IL 312-747-8730

OTHER INDIVIDUALS INVOLVED:

BARILLAS, Rudy C

(Additional Victim)

Printed By: LIPMAN, Matthew (

Male / White Hispanic / 43 Years

DOB: RES:

Self-Employed Truck Driver

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EMPLOYMENT: OTHER COMMUNICATIONS: Cellular Phone: DLN/ID: (Family Member JOHNSON, Shyrell Notified) Male / Black / 25 Years DOB: RES: OTHER COMMUNICATIONS: Other: (Person Interviewed HERNANDEZ, Maria Non-Witness) Female / White Hispanic / 62 Years DOB: RES: 4060 S Pulaski Rd BUS: Chicago IL 773-843-0144 (Person Interviewed LOPEZ, Yolanda Non-Witness) Female / White Hispanic / 39 Years DOB: RES: Chicago IL 4060 S Pulaski Rd BUS: Chicago IL 773-843-0144 0552 - Assault - Aggravated Po:Knife/Cut Instr 0552 - Assault - Aggravated Po:Knife/Cut Instr GAFFNEY, Thomas, J (Victim) MCDONALD, Laquan, J (Offender) MCELLIGOTT, Joseph, P. (Victim) MCDONALD, Laquan, J (Offender) MCDONALD, Laquan, J (Offender) VAN DYKE, Jason, D (Victim) MCDONALD, Laquan, J (Offender) WALSH, Joseph, J (Victim)

Printed On: 18-MAR-2015 12:59 7 of 22 Printed By: LIPMAN, Matthew (

REQUEST TYPE: Notification

NOTIFICATION DATE & TIME: 10/20/2014:230700

CRIME CODE SUMMARY:

INCIDENT NOTIFICATIONS:

IUCR ASSOCIATIONS:

PERSON NAME:

STAR #: 13131

EMP#:

NOTIFICATION DATE & TIME: 10/20/2014:231400

,Sarlo

REQUEST TYPE: Notification

PERSON NAME: ,Jines

STAR #: 4898

EMP #:

NOTIFICATION DATE & TIME: 10/20/2014:215000,

REQUEST TYPE: On Scene
PERSON NAME: ,March

STAR #: 20563

EMP #:

NOTIFICATION DATE & TIME: 10/21/2014:225800

REQUEST TYPE: Notification **PERSON NAME:** ,Chibe

STAR #: 7303

EMP#:

NOTIFICATION DATE & TIME: 10/20/2014:235000

REQUEST TYPE: Notification **PERSON NAME:** ,Briggs

STAR #:

EMP #: 76

REPORT DISTRIBUTIONS:

No Distribution

INVESTIGATION:

AREA CENTRAL FIELD INVESTIGATION:

Exceptionally Cleared Closed / Other Exceptional Clearance - Death of Offender.

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The full format for this investigation is contained in the previous Progress - Scene Report.

INVESTIGATION:

The reporting detective was assigned to the immediate follow-up investigation of this police officer involved shooting incident, by Sergeant Daniel GALLAGHER of this command. The reporting detective proceeded to the scene of the incident at 4112 South Pulaski Road. The officer involved in the shooting was located and interviewed at the scene.

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VAN DYKE, Jason D -----

stated he was a Chicago Police Officer assigned to the 008th District. He was on duty, in uniform, working on Beat 845R. VAN DYKE was working with Police Officer Joseph WALSH. The two officers were assigned to Chicago Police Department vehicle number 6412, a marked Chevrolet Tahoe, four door sport utility vehicle. WALSH was driving the vehicle and VAN DYKE was the passenger.

The two officers responded to a request for assistance from Beat 815R, regarding a man with a knife, on 40th Street, west of Pulaski Road. A unit equipped with a taser had also been requested. Officer VAN DYKE heard the radio transmission when Officer Thomas GAFFNEY said the man with a knife had "popped" the tire of GAFFNEY's police vehicle. VAN DYKE understood this to mean the subject had slashed the tire with his knife. As Officer WALSH drove westbound on 40th Street from Pulaski, VAN DYKE observed a black male subject, now known as Laquan MCDONALD, running eastbound in the parking lot of the Burger King restaurant on the southwest corner of 40 Street and Pulaski. MCDONALD was holding a knife in his right hand. VAN DYKE saw Police Officer Joseph MCELLIGOTT pursuing MCDONALD on foot. VAN DYKE also saw a civilian who was standing on 40th Street pointing to MCDONALD.

Officer WALSH drove eastbound in the parking lot, in pursuit of MCDONALD, on the north side of the Burger King restaurant building. WALSH used the police vehicle to block MCDONALD from entering the restaurant. MCDONALD ran out onto Pulaski Road and then turned southbound, running toward a Dunkin' Donuts restaurant, on the east side of Pulaski, south of the Burger King. WALSH positioned the police vehicle between MCDONALD and the Dunkin' Donuts to block his path towards that restaurant. When WALSH slowed the police vehicle alongside MCDONALD, Officer VAN DYKE opened the right front door of the vehicle to exit and confront MCDONALD. WALSH told VAN DYKE to stay in the vehicle as they were too close to MCDONALD to safely exit their vehicle. WALSH drove on southbound and stopped the police vehicle ahead of MCDONALD.

Officer VAN DYKE exited the vehicle on the right side and drew his handgun. As VAN DYKE stood in the street on Pulaski, facing northbound, toward MCDONALD, MCDONALD approached southbound. MCDONALD was holding the knife in his right hand, in an underhand grip, with the blade pointed forward. He was swinging the knife in an aggressive, exaggerated manner. VAN DYKE ordered MCDONALD to "Drop the knife!" multiple times. MCDONALD ignored VAN DYKE's verbal direction to drop the knife and continued to advance toward VAN DYKE.

When MCDONALD got to within 10 to 15 feet of Officer VAN DYKE, MCDONALD looked toward VAN DYKE. MCDONALD raised the knife across his chest and over his shoulder, pointing the knife at VAN DYKE. VAN DYKE believed MCDONALD was attacking VAN DYKE with the knife, and attempting to kill VAN DYKE. In defense of his life, VAN DYKE backpedaled and fired his handgun at MCDONALD, to stop the attack. MCDONALD fell to the ground but continued to move and continued to grasp the knife, refusing to let go of it. VAN DYKE continued to fire his weapon at MCDONALD as MCDONALD was on the ground, as MCDONALD appeared to be attempting to get up, all the while continuing to point the knife at VAN DYKE. The slide on VAN DYKE's pistol locked in the rearward position, indicating the weapon was empty. VAN DYKE performed a tactical reload of his pistol with a new magazine and then assessed the situation.

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MCDONALD was no longer moving and the threat had been mitigated, so Officer VAN DYKE and Officer WALSH approached MCDONALD. MCDONALD was still holding the knife in his right hand. VAN DYKE continued to order MCDONALD to "Drop the knife!" Officer WALSH told VAN DYKE, "I have this." VAN DYKE then used his handgun to cover WALSH as WALSH walked up and forcibly kicked the knife out of MCDONALD's right hand, thereby eliminating the threat to the officers.

Officer WALSH then notified the dispatcher on the police radio that shots had been fired by the police. Officer VAN DYKE requested an ambulance for MCDONALD on the radio.

Officer VAN DYKE's weapon was a Smith and Wesson, nine millimeter, semi-automatic pistol, with a 15 round magazine. VAN DYKE said the pistol was fully loaded at the beginning of his tour of duty, with 15 cartridges in the magazine and one cartridge in the firing chamber.

It was noted that the uniform Officer VAN DYKE was wearing consisted of a light blue long sleeve uniform shirt, with shoulder patches; black body armor vest, with patches; navy blue cargo pants; and equipment belt with handgun and radio.

The reporting detective then interviewed Officer VAN DYKE's partner.

WALSH, Joseph J -----

stated he was a Chicago Police Officer assigned to the 008th District. WALSH related the same facts as his partner, Officer Jason VAN DYKE.

WALSH added that as Laquan MCDONALD ran eastbound through the Burger King parking lot, WALSH used the police vehicle he was driving to block MCDONALD from entering the restaurant.

As MCDONALD ran southbound on Pulaski Road, from the Burger King, WALSH pursued MCDONALD in the police vehicle. WALSH drove southbound in the northbound lanes to get ahead of MCDONALD, keeping the police vehicle between MCDONALD and a Dunkin' Donuts restaurant, on the east side of Pulaski. As their vehicle passed MCDONALD, Officer VAN DYKE opened the right front door of their vehicle, to exit the truck and confront MCDONALD. WALSH, realizing that at this point they were too close to the armed MCDONALD to safely exit the vehicle, told VAN DYKE to wait until they got further ahead of MCDONALD. WALSH drove further south on Pulaski. He stopped his vehicle south of MCDONALD and exited the driver's door as VAN DYKE exited the right side of the vehicle. WALSH drew his handgun when he exited the vehicle.

Officer WALSH came around the rear of the police vehicle and joined Officer VAN DYKE on the right side of the vehicle. WALSH also stood in the street on Pulaski, facing northbound, as MCDONALD walked southbound toward the officers. WALSH ordered MCDONALD to "Drop the knife!" multiple times as MCDONALD approached the officers.

Officer WALSH also backed up, attempting to maintain a safe distance between himself and MCDONALD. MCDONALD ignored the verbal direction given by both WALSH and Officer VAN DYKE, and continued to advance toward the officers. When MCDONALD got to within 12 to 15 feet of the officers he swung the knife toward the officers in an aggressive manner. VAN DYKE

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opened fire with his handgun and MCDONALD fell to the ground. VAN DYKE continued firing his weapon at MCDONALD as MCDONALD continued moving on the ground, attempting to get up, while still armed with the knife.

When the gunfire stopped and MCDONALD was not moving anymore, WALSH approached MCDONALD with VAN DYKE. WALSH continued to order MCDONALD to "Drop the knife!" multiple times, as MCDONALD was still holding the knife in his right hand. WALSH forcibly kicked the knife out of MCDONALD's hand and then notified the dispatcher on the police radio that shots had been fired by the police. An ambulance was also requested for MCDONALD.

As they waited for the ambulance to respond to the scene, Officer WALSH told MCDONALD to "hang in there," and that an ambulance was on the way.

Officer WALSH said he believed MCDONALD was attacking WALSH and Officer VAN DYKE with the knife and attempting to kill them when the shots were fired. WALSH stated he did not fire his handgun because VAN DYKE was in the line of fire between WALSH and MCDONALD. WALSH thought VAN DYKE fired eight or nine shots total.

It was noted that Officer WALSH wore the same uniform configuration as Officer VAN DYKE.

The officers assigned to Beat 815R were interviewed.

GAFFNEY, Thomas J -----

stated he was a Chicago Police Officer assigned to the 008th District. He was on duty, in uniform, working on Beat 815R. GAFFNEY was working with Police Officer Joseph MCELLIGOTT. The two officers were assigned to Chicago Police Department vehicle number 8489, a marked Chevrolet Tahoe, four door sport utility vehicle. GAFFNEY was driving the vehicle and MCELLIGOTT was the passenger.

The officers responded to an assignment of holding an offender for breaking into trucks at 41st Street and Kildare Avenue. Upon arrival at that location they met an Hispanic couple who told the officers a black male subject, wearing a dark shirt, had attempted to break into trucks parked in the parking lot at that location. The couple told the officers the subject had walked off and was last seen walking eastbound on 40th Street from Kildare.

Officer GAFFNEY drove northbound on Kildare to 40th Street. When he turned eastbound onto 40th Street he saw a black male subject wearing dark clothing, walking eastbound on the sidewalk, on the south side of the street. Officer MCELLIGOTT exited the police vehicle to approach the subject, now known as Laquan MCDONALD. GAFFNEY stayed in the vehicle in case MCDONALD fled. MCELLIGOTT called to MCDONALD and told him to stop but MCDONALD continued walking eastbound, ignoring MCELLIGOTT. MCDONALD's hands were in his pockets as he walked. MCELLIGOTT told MCDONALD to take his hands out of his pockets. MCDONALD took his hands out of his pockets and MCELLIGOTT told GAFFNEY that MCDONALD had a knife. GAFFNEY then saw a silver colored knife in MCDONALD's right hand. GAFFNEY also saw that MCELLIGOTT had his handgun drawn at this point. MCELLIGOTT repeatedly ordered MCDONALD to "Drop the knife," but MCDONALD ignored these directions. As MCDONALD

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reached Keeler Avenue, GAFFNEY notified the dispatcher on the police radio that they were following a subject with a knife and requested assistance from a unit equipped with a taser.

MCDONALD continued walking eastbound, Officer MCELLIGOTT following on foot and Officer GAFFNEY following in the police vehicle. As MCDONALD approached Karlov Avenue, GAFFNEY turned the Tahoe southbound onto Karlov and stopped, blocking the crosswalk. GAFFNEY said he wanted to stop MCDONALD before he reached Pulaski Road, a business street where more civilians were present. The area where MCDONALD was first observed was industrial in nature with no other civilians present. When GAFFNEY stopped his vehicle in front of MCDONALD, blocking his path, MCDONALD stabbed the right front tire of the Tahoe with his knife, causing the tire to go flat. GAFFNEY immediately informed the radio dispatcher that MCDONALD had "popped" the tire. MCDONALD attempted to walk around the front of the police vehicle and GAFFNEY drove the Tahoe forward a short distance to continue to block MCDONALD's path. MCDONALD then stabbed at the windshield of the Tahoe with the knife, striking the right side of the windshield. MCDONALD then continued walking eastbound from Karlov.

As MCDONALD approached the Burger King restaurant parking lot at 40th Street and Pulaski, assisting police units arrived, approaching westbound on 40th Street from Pulaski. MCDONALD began to run eastbound through the restaurant parking lot, on the north side of the Burger King building. He ran out onto Pulaski and then turned and ran southbound on Pulaski. Beat 845R pursued MCDONALD in their police vehicle, eastbound through the parking lot, over the curb at Pulaski, then southbound on Pulaski. Officer GAFFNEY lost sight of MCDONALD when he turned southbound on Pulaski.

Because of the flat tire on his vehicle, Officer GAFFNEY did not drive over the curb. As he drove around out onto Pulaski, GAFFNEY heard multiple gunshots in rapid succession. He did not see who was shooting. When he reached Pulaski MCDONALD was lying on the ground.

It was noted that Officer GAFFNEY wore the same uniform configuration as Officer VAN DYKE with the addition of the uniform baseball style cap with embroidered patch.

MCELLIGOTT, Joseph P -----

stated he was a Chicago Police Officer assigned to the 008th District. MCELLIGOTT related the same facts as his partner, Officer Thomas GAFFNEY.

Officer MCELLIGOTT added that after he exited the police vehicle, when Laquan MCDONALD took his hands out of his pockets and MCELLIGOTT saw MCDONALD holding a knife in his right hand, MCELLIGOTT drew his handgun. He repeatedly ordered MCDONALD to "Drop the knife." MCDONALD ignored MCELLIGOTT's directions and continued to walk eastbound on 40th Street. MCELLIGOTT followed MCDONALD on foot, maintaining a safe distance between himself and the armed MCDONALD.

Officer MCELLIGOTT heard Officer GAFFNEY request assistance and a unit with a taser over the police radio. GAFFNEY attempted to use the police vehicle to block MCDONALD from continuing on toward the Burger King restaurant at Pulaski Road. At this point MCDONALD stabbed the right front tire and the windshield of the police vehicle. MCELLIGOTT began to hear the sirens of

approaching assisting police units and MCDONALD began to run toward the Burger King restaurant.

When MCDONALD ran eastbound through the parking lot of the Burger King, Officer MCELLIGOTT ran after MCDONALD in pursuit. MCELLIGOTT ran out into the middle of Pulaski Road in pursuit of MCDONALD. MCELLIGOTT heard multiple gunshots but did not see who fired the shots. The gunfire was continuous, one shot after another. MCELLIGOTT then saw MCDONALD lying on the ground. MCELLIGOTT saw Officer Joseph WALSH kick the knife out of MCDONALD's hand.

It was noted that Officer MCELLIGOTT wore the same uniform configuration as Officer VAN DYKE.

Other officers who responded to this incident were also interviewed.

SEBASTIAN, Daphne L ----

stated she was a Chicago Police Officer assigned to the 008th District. She was on duty, in uniform, working on Beat 813R. SEBASTIAN was working with Police Officer Janet MONDRAGON. The two officers were assigned to a marked vehicle. MONDRAGON was driving the vehicle and SEBASTIAN was the passenger.

The two officers responded to the request for assistance made by Beat 815R; regarding a subject with a knife. Officer SEBASTIAN thought the original call for assistance was at 40th Street and Keeler Avenue. The subject had punctured a tire on the police vehicle of Beat 815R. Officer MONDRAGON drove northbound on Pulaski Road, following Beat 845R, as they also responded to the request for assistance. MONDRAGON turned westbound onto 40th Street, behind Beat 845R.

Officer SEBASTIAN observed a black male subject, now known as Laquan MCDONALD, running southeast bound through the parking lot of the Burger King restaurant. Beat 845R pursued MCDONALD in their police vehicle, through the parking lot, toward Pulaski. SEBASTIAN told Officer MONDRAGON to drive back out onto Pulaski to assist in the pursuit. MCDONALD ran out onto Pulaski and continued to run southbound down the middle of the street. Beat 845R pursued MCDONALD in their vehicle, southbound on Pulaski, followed by Beat 813R. As MCDONALD ran southbound on Pulaski, SEBASTIAN saw the knife in his right hand. MCDONALD was waving the knife.

Beat 845R stopped their vehicle ahead of MCDONALD, between MCDONALD and the Dunkin' Donuts restaurant on the east side of Pulaski. Officers Joseph WALSH and Jason VAN DYKE exited their vehicle and drew their handguns. MCDONALD turned toward the two officers and continued to wave the knife. Sebastian heard the officers repeatedly order MCDONALD to "Drop the knife!" MCDONALD ignored the verbal directions and continued to advance on the officers, waving the knife. Officer SEBASTIAN heard multiple gunshots and MCDONALD fell to the ground, where he continued to move. SEBASTIAN did not know who fired the shots, which were fired in one continuous group. She then saw Officer WALSH kick the knife out of MCDONALD's hand.

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MONDRAGON, Janet ----

stated she was a Chicago Police Officer assigned to the 008th District. MONDRAGON related the same facts as her partner, Officer Daphne SEBASTIAN.

Officer MONDRAGON added that as she drove westbound on 40th Street, she saw Officer MCELLIGOTT running eastbound through the Burger King parking lot. She made a U-turn and drove back out onto Pulaski Road. MONDRAGON turned southbound onto Pulaski. She saw Laquan MCDONALD running southbound on Pulaski, in the middle of the street. As she got closer she could see MCDONALD was holding a knife in his right hand. He was waving the knife.

Officer MONDRAGON saw Officers Joseph WALSH and Jason VAN DYKE outside of their police vehicle. She heard the officers repeatedly ordering MCDONALD to "Drop the knife!" as MCDONALD got closer and closer to the officers, continuing to wave the knife. As she was placing her vehicle transmission into Park, MONDRAGON looked down and heard multiple, continuous gunshots, without pause. MONDRAGON then saw MCDONALD fall to the ground. MONDRAGON did not know who fired the shots.

BACERRA, Arturo ----

stated he was a Chicago Police Officer assigned to the 008th District. He was on duty, in uniform, working on Beat 822. BACERRA was working with Police Officer Leticia VELEZ. The two officers were assigned to a marked vehicle. BACERRA was driving the vehicle and VELEZ was the passenger.

Officer BACERRA and his partner responded to the request for assistance made by Beat 815R, regarding a subject who was armed with a knife. BACERRA was driving northbound on Pulaski Road from 47th Street. As he approached the scene of this incident, at 4112 South Pulaski, he observed a black male subject, now known as Laquan MCDONALD, in the middle of the street, flailing his arms. As he got closer, BACERRA observed MCDONALD to be holding a knife in his right hand. BACERRA drove past MCDONALD, with MCDONALD on the left side of the police vehicle, as Beat 845R drove past BACERRA, on the right side of his vehicle, travelling southbound. As BACERRA began to make a U-turn, he heard multiple gunshots. He then saw MCDONALD lying on the ground. BACERRA did not see who fired the shots.

VELEZ, Leticia -----

stated she was a Chicago Police Officer assigned to the 008th District. VELEZ related the same facts as her partner, Officer Arturo BACERRA.

Officer VELEZ added that as they approached the scene she observed Laquan MCDONALD standing in the middle of the street, holding a shiny object in his right hand. She saw him waving the object in the air. Officer BACERRA drove past MCDONALD and began to make a U-turn, when VELEZ heard multiple gunshots, without pause or delay. She then saw MCDONALD fall to the ground. VELEZ did not see who fired the shots. She did see an unknown officer kick the knife from MCDONALD's hand after he was down on the ground.

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FONTAINE, Dora ----

stated she was a Chicago Police Officer assigned to the 008th District. She was on duty, in uniform, working on Beat 841R. FONTAINE was working with Police Officer Ricardo VIRAMONTES. The two officers were assigned to a marked vehicle. VIRAMONTES was driving the vehicle and FONTAINE was the passenger.

The two officers responded to the request for assistance made by Beat 815R, regarding a man with a knife at 41st Street and Pulaski Road. Officer VIRAMONTES drove northbound on Pulaski. When they arrived at the scene of this incident, in front of the Dunkin' Donuts restaurant, Officer FONTAINE saw a black male subject, now known as Laquan MCDONALD, walking southbound in the street, with a knife in his right hand. MCDONALD was walking sideways, with his body facing east, toward Officers Jason VAN DYKE and Joseph WALSH. These two officers were standing in the middle of the street, on the right side of their police vehicle, which was facing southbound. FONTAINE heard the officers repeatedly order MCDONALD to "Drop the knife!" MCDONALD ignored the verbal direction and instead, raised his right arm toward Officer VAN DYKE, as if attacking VAN DYKE. At this time VAN DYKE fired multiple shots from his handgun, until MCDONALD fell to the ground and stopped moving his right arm and hand, which still grasped the knife. The gunshots were rapid fire, without pause. Officer WALSH then kicked the knife out of MCDONALD's hand.

VIRAMONTES, Ricardo -----

stated he was a Chicago Police Officer assigned to the 008th District. VIRAMONTES related the same facts as his partner, Officer Dora FONTAINE.

Officer VIRAMONTES added that when he exited his police vehicle, at the scene, he observed a black male subject, now known as Laquan MCDONALD, walking southbound on Pulaski Road, in the middle of the street, holding a knife in his right hand. VIRAMONTES heard Officer Jason VAN DYKE repeatedly order MCDONALD to "Drop the knife!" MCDONALD ignored the verbal direction and turned toward VAN DYKE and his partner, Officer Joseph WALSH. At this time VAN DYKE fired multiple shots from his handgun. MCDONALD fell to the ground but continued to move, attempting to get back up, with the knife still in his hand. VAN DYKE fired his weapon at MCDONALD continuously, until MCDONALD was no longer moving.

The scene of this incident, at 4112 South Pulaski Road, was observed to be a wide commercial street with traffic traveling north and south. There were two traffic lanes and a curb lane in each direction. A wide median separated the northbound and southbound traffic lanes. The scene was just south of the intersection of Pulaski and 41st Street. This was a "T" intersection with 41st Street extending east from Pulaski. In the center median was a left turn lane for northbound traffic turning west onto 40th Street, further to the north. The Pulaski median was level with the traffic lanes and was striped with yellow paint.

On the west side of Pulaski was a large vacant lot. North of the vacant lot, on the southwest corner of 40th Street and Pulaski, was a Burger King restaurant. On the east side of the street was a Dunkin Donuts restaurant.

The weather was cloudy and cool with the temperature in the 50s. It was dark with good artificial light provided by overhead streetlights. All of the lights were on and functioning normally. There

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was also artificial light provided by the lighting of the nearby businesses.

In the northbound left turn lane, Chicago Police Department vehicle number 6412, assigned to Beat 845R, was sitting, facing southeast. The vehicle was a marked Chevrolet Tahoe, four door sport utility vehicle. The right front door of the vehicle was open.

In the southbound traffic lanes, in the right lane, a metal folding pocket knife was lying on the pavement. The blade was in the open position. The overall length of the knife was seven inches, with a three inch blade. The knife was in line with the front end of the vehicle of Beat 845R. Just north of the knife were two pools of blood on the pavement. Five metal bullet fragments were lying on the pavement near the blood. North of the blood, scattered in a diagonal pattern from southwest to northeast, across both southbound traffic lanes and the northbound left turn lane, were 16, nine millimeter caliber cartridge cases, lying on the pavement.

Chicago Police Department vehicle number 8489, assigned to Beat 815R, was sitting at the west curb at 4102 South Pulaski. The right front tire of the vehicle was flat, with a large puncture to the sidewall of the tire. The right side of the windshield was scratched from being struck by Laquan MCDONALD's knife.

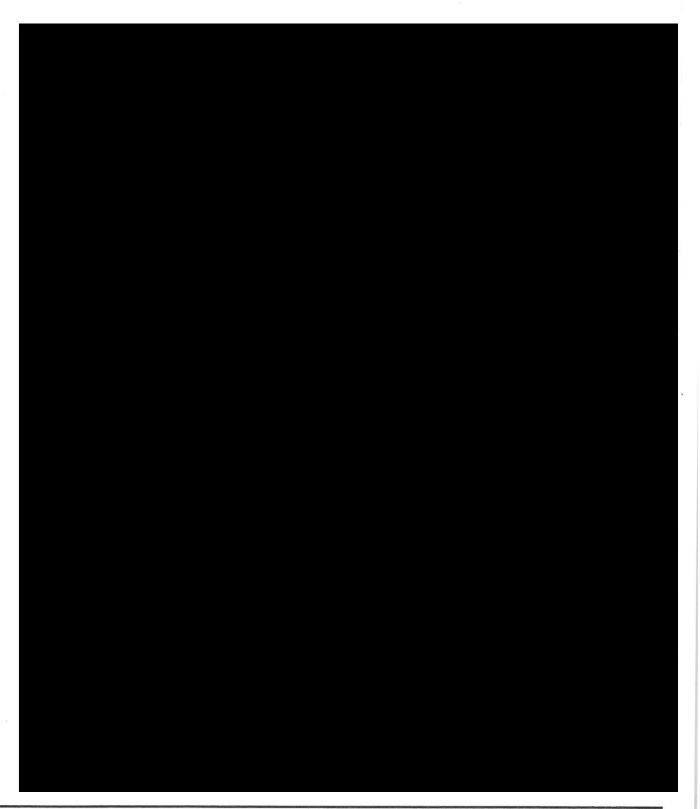
Mobile Crime Lab Beat 5802 responded to the scene. Video and photographs were taken of the scene. The knife and firearms evidence was collected from the street, as were swabs of the blood. The right front wheel and tire of Chicago Police Department vehicle number 8489 was also recovered. The right front quarter panel of vehicle number 8489 was processed for fingerprints and four ridge impressions were recovered.

A canvass was conducted of the area near the scene of this incident in an attempt to identify and locate witnesses. A number of people were interviewed.



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Officer Jason VAN DYKE was re-interviewed for additional detail, in the Area Central office.

VAN DYKE, Jason D -----

related the same sequence of events as documented in his original interview at the scene of this incident.

VAN DYKE additionally articulated the reasoning behind his decision to use deadly force against the offender in this incident, Laquan MCDONALD. VAN DYKE was aware of the radio transmissions from Officer Thomas GAFFNEY, on Beat 815R, that MCDONALD was armed with a knife. VAN DYKE was aware that MCDONALD had attacked the officers on Beat 815R by slashing the tire of their police vehicle.

As he confronted MCDONALD at 4112 South Pulaski Road, VAN DYKE saw that MCDONALD was in fact, armed with a knife, a deadly weapon. VAN DYKE was aware of the widely accepted teaching in law enforcement that an assailant armed with a knife was considered a deadly threat, if within 21 feet, because it was possible for such an assailant to close that distance and attack with the knife before a defensive shot could be fired from a handgun. VAN DYKE was also aware of the existence of throwing knives, which can be thrown from a distance, as well as spring loaded knives, which propel a blade through the air from the knife handle. VAN DYKE also said he recalled a previously issued Chicago Police Department bulletin warning of a weapon which appeared to be a knife but which actually was capable of firing a bullet, making it a firearm.

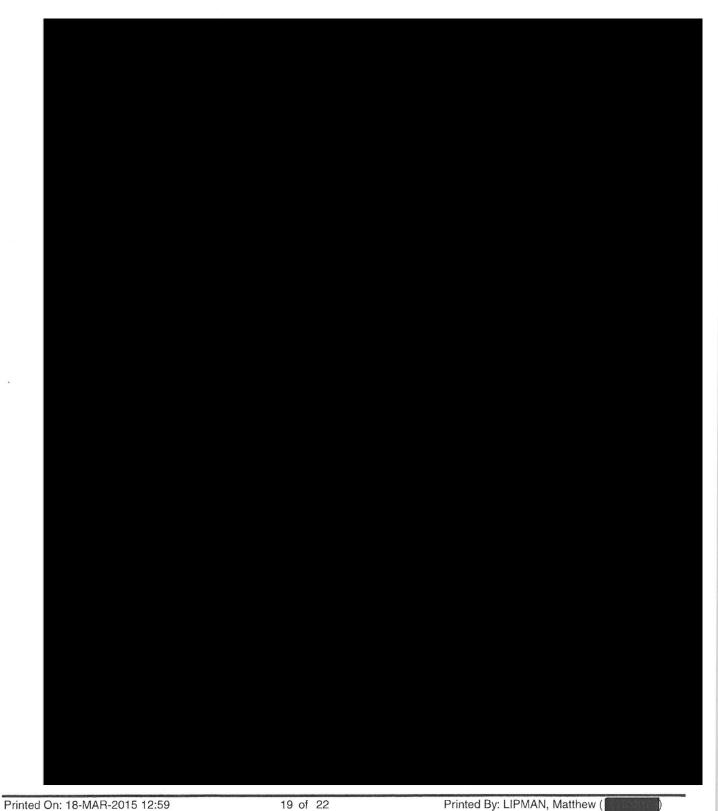
Subsequently, a search was conducted of the Chicago Police Department, Automated Message Center, to find the bulletin Officer Jason VAN DYKE remembered, regarding the weapon that appeared to be a knife, but was actually a firearm. This bulletin was issued on 04 December 2012. It was Officer Safety Alert number 2012-OSA-297. It was a warning regarding a "revolver knife" which was capable of firing .22 caliber cartridges.

Three witnesses had been transported into the Area Central office from the scene and were interviewed.



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BARILLAS, Rudy C -----

related the same facts as BARILLAS re-iterated that Laquan MCDONALD swung his knife at BARILLAS, attempting to cut him. BARILLAS stated he was the person who called 9-1-1 regarding this incident.

A canvass was conducted of the area near the scene of this incident for any recorded video.

There were no Police Observation Devices, or other City of Chicago video cameras in the area.

Recorded video was recovered from three cameras on the exterior of the building housing the Greater Chicago Food Depository, at 4100 West Ann Lurie Place. Two of these videos showed two different views of Laquan MCDONALD walking eastbound on the sidewalk, on the south side of 40th Street, between Keeler and Karlov Avenues. Officer Joseph MCELLIGOTT was following MCDONALD on foot, maintaining a safe distance between himself and MCDONALD, while Officer Thomas GAFFNEY was following MCDONALD in a police vehicle. The third video did not capture any part of this incident.

Recorded video was recovered from two cameras at the Dunkin' Donuts restaurant, at 4113 South Pulaski Road. One of these videos showed the end of this incident, when Officers Jason VAN DYKE and Joseph WALSH stopped their vehicle, exited the vehicle and confronted Laquan MCDONALD. The view in this video is from a distance. The video from the second camera did not capture any part of this incident.

Recorded video was recovered from two cameras from Focal Point, 4141 South Pulaski Road. These videos did not capture any part of this incident.

All of the recovered video was inventoried.

A Major Case Review of this case was conducted at the Illinois State Police Crime Laboratory, on Thursday, 30 October 2014. An Evidence Submission Form was completed per this review.

The assigned personnel became aware of a potential question regarding the integrity of the video recovered from the Burger King restaurant. In an attempt to follow-up on this issue the assigned personnel proceeded to the restaurant on Wednesday, 11 March 2015. Manager, Anais CALDERON was contacted at the restaurant. She stated that the video system at the restaurant had recently been repaired and a new digital video recorder had been installed. CALDERON said

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that as of this date, 11 of the 16 video ports in the system actually recorded video. This was consistent with the video recovered on the date of this incident. Video was recorded and recovered on 11 of the 16 video ports in the system on that date.

Any additional inquiries regarding the video system at the restaurant were referred to the district manager responsible for that restaurant, Jay DARFHANE. He was contacted and related that the day after this incident occurred, personnel from the Independent Police Review Authority, of the City of Chicago, came to the restaurant. They viewed video from the system and took custody of the digital video recorder. The recorder was returned to the restaurant two weeks later. Personnel from the Federal Bureau of Investigation then came to the restaurant and made copies of video from the system. After that some lawyers came to the restaurant with subpoenas to make copies of video from the system. Finally, DARFHANE stated that personnel from the Federal Bureau of Investigation had come to the restaurant again, approximately three weeks prior to this interview, and took the digital video recorder. DARFHANE did not have any further information regarding the video system.

The assigned personnel also became aware of an article written by Craig FUTTERMAN, a professor at the University of Chicago Law School, citing the existence of an unknown witness to this incident. FUTTERMAN was contacted on Thursday, 12 March 2015, in an attempt to interview this witness. FUTTERMAN stated that this witness had already been interviewed by the Independent Police Review Authority and FUTTERMAN did not know if the witness would be willing to be interviewed by the Chicago Police Department. FUTTERMAN said he would contact the witness and provide him with contact information for the assigned personnel.

Based upon all the facts known at this time, and the death of the only offender in this incident, this case is now Exceptionally Cleared Closed / Other Exceptional Clearance - Death of Offender.

The above to-date investigation determined that Laquan MCDONALD was an active assailant who, while armed with a dangerous weapon, used force likely to cause death or serious injury to a private citizen when he attacked Rudy BARILLAS; threatened the imminent use of force likely to cause death or serious injury when he incised the tire and stabbed the windshield of a Chicago Police Department vehicle occupied by Officer Thomas GAFFNEY; and initiated imminent use of force likely to cause death or serious injury when he initiated an attack on Officers Jason VAN DYKE and Joseph WALSH. The above investigation concluded that Officer Jason VAN DYKE's use of deadly force, the discharging of his duty firearm, was within the bounds of the Chicago Police Department's use of force guidelines, and in conformity with local ordinances and state law.

Based on the above facts, the associated report, under Records Division number HX486155, is now Closed / Non-Criminal.

REPORT OF:

Detective David M MARCH #20563 Sergeant Daniel GALLAGHER #1303 Lieutenant Anthony WOJCIK #481 Bureau of Detectives - Area Central

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CHICAGO POLICE DEPARTMENT CASE SUPPLEMENTARY REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653 (For use by Chicago Police - Bureau of Investigative Services Personnel Only)



Case id: 9825613 Sup id: 10988891

CASR339

PROGRESS-VIOLENT(SCENE)			DETECTIVE SUP. APPROVAL COMPLETE			
Last Offense Classification/Re-Classification	IUCR Code	Original Offen	Original Offense Classification			IUCR Code
ASSAULT / Aggravated Po:Knife/Cut Instr	0552	ASSAULT / Aggravated Po:Knife/Cut Instr			0552	
Address of Occurrence	Beat of Occur	No of Victims No of Offenders No of Arrested		No of Arrested	SCR No	
4112 S PULASKI RD	815	4		1	1	
Location Type	Location Code	Secondary Lo	cation			Hate Crime
Street	304		***************************************	***************************************	***************************************	No
Date of Occurrence	Unit Assigned	Date RO Arrivo	ed	Fire Related?	Gang Related?	Domestic Related?
20-OCT-2014 21:57	0841R	20-OCT-2014 21:57 NO NO		NO		

Reporting Officer	Star No	Approving Supervisor	Star No	Primary Detective Assigned	Star No
MARCH, David	20563	WOJCIK, Anthony	481	MARCH, David	20563
Date Submitted		Date Approved		Assignment Type	
15-MAR-2015 18:23		16-MAR-2015 00:03		FIELD	

THIS IS A FIELD INVESTIGATION PROGRESS-VIOLENT(SCENE) REPORT

VICTIM(S):

GAFFNEY, Thomas J

Male / White / 41 Years

EMPLOYMENT: Chicago Police Officer #19958

EMPLOYER BUSINESS NME: Chicago Police Department

BUS: 3420 W 63rd St Chicago IL

312-747-8730

VAN DYKE, Jason D

Male / White / 36 Years

EMPLOYMENT: Chicago Police Officer #9465

EMPLOYER BUSINESS NME: Chicago Police Department

BUS: 3420 W 63rd St Chicago IL 312-747-8730

WALSH, Joseph J

Male / White / 45 Years

EMPLOYMENT: Chicago Police Officer #12865

EMPLOYER BUSINESS NME: Chicago Police Department

BUS: 3420 W 63rd St Chicago IL 312-747-8730

MCELLIGOTT, Joseph P

LOG# 1072125

EMPLOYMENT: Chicago Police Officer #18715 Attachment 152



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HX475653

EMPLOYER BUSINESS NME: Chicago Police Department

BUS: 3420 W 63rd St

Chicago IL 312-747-8730

OFFENDER(S)

MCDONALD, Laquan J

-- In Custody--

ALIAS:

Male / Black / 17 Years

DOB:

"Bon-Bon"

DESCRIPTION:

6'02, 180, Black Hair, Dreadlocks Hair Style, Brown Eyes,

Medium Complexion

RES:

DLN/ID:

BIRTH PLACE: Illinois

OTHER IDENTIFICATIONS:

Type -

Other Id

State -

Unknown

IR#: SID#: 2106340

RELATIONSHIP OF VICTIM TO OFFENDER:

GAFFNEY, Thomas J

- No Relationship

MCELLIGOTT, Joseph P

- No Relationship

VAN DYKE, Jason D

- No Relationship

WALSH, Joseph J

- No Relationship

GANG INFORMATION:

LISTED CRIMINAL ORGANIZATION:

New Breed

GANG IDENTIFIERS: Other

ITEM USED:

Weapon

OFFENDER INJURIES:

MCDONALD, Laquan J

Type

Weapon Used

Weapon Description

Gun Shot Wound Handgun

Other - Handgun

Injured by Police

Chicago Fire Department Provided First Aid

EXTENT OF INJURY: Multiple Gsw

HOSPITAL REMOVED BY: Cfd Ambulance 21

INJURY TREATMENT: Multiple Gsw

PHYSICIAN NAME: Dr Pitzele

WEAPON(S): INV#: 13296449

Evidence

Smith & Wesson -Us- (Bodyguard, Chief Special), 5942, 9, Semi-Automatic

Pistol, Semi-Automatic, 4", Stainless

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SERIAL#:

PROPERTY TYPE: OTHER **OWNER:** Van Dyke, Jason

POSSESSOR/USER: VAN DYKE, JASON

PHONE #: 312 - 747 - 8730

LOCATION FOUND: 5101 S WENTWORTH AVE Number Of Live Rounds present in the Firearm - 15 Number Of Live Rounds used in the Firearm - 16

The Status Of This Firearm is 628361

VEHICLE INFO:

Truck, 2010 / Chevrolet / Tahoe / Truck

Victim's Vehicle

VIN: 1GNMCAE0XAR263348
YEAR (RANGE): 2010
COLOR(TOP/BOTTOM): White / White

OWNER: Chicago Police Department
POSSESSOR/USER: GAFFNEY, THOMAS

PHONE#: 312 - 747 - 8730 The Vehicle was Seized

LOCATION FOUND: 4102 S PULASKI RD

LICENSE: Mp6581, Law Enforcement (City, County, State, Sos), IL

LOCATION OF INCIDENT:

4112 S Pulaski Rd

· Chicago IL

304 - Street

DATE & TIME OF INCIDENT:

20-OCT-2014 21:57

JUST HOMICIDE DESCRIPTION: Criminal Killed By Police Officer

ADDITIONAL JUST HOMICIDE DESCR.: Criminal Attacked Officer That Officer

Killed Criminal

WEATHER AND LIGHTING:

WEATHER: Cloudy & Cool

TEMPERATURE: 50s

LIGHTING: Dark / Artificial Light **LIGHTING SOURCE:** Streetlights

DISTANCE: Overhead

MOTIVE CODE(S):

Interceding In A Felony

CAUSE CODE(S):

Dna

METHOD CODE(S):

Offender Shot

CAU CODE(S):

Police Related Not Con

FIREARM(S)

INV #: 13296449

RECOVERED:

Evidence

Smith & Wesson -Us- (Bodyguard, Chief Special), 5942, 9, Semi-Automatic Pistol,

Semi-Automatic, 4", Stainless

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Page: 3 of 22

SERIAL#:

PROPERTY TYPE: OTHER

OWNER: Van Dyke, Jason

POSSESSOR/USER: VAN DYKE, JASON

PHONE #: 312 - 747 - 8730

LOCATION FOUND: 5101 S WENTWORTH AVE Number Of Live Rounds present in the Firearm - 15 Number Of Live Rounds used in the Firearm - 16

The Status Of This Firearm is 628361

VEHICLE(S) DAMAGED:

Truck, 2010 / Chevrolet / Tahoe / Truck

Evidence

VIN: 1GNMCAE0XAR263348
YEAR - YEAR RANGE END: 2010

COLOR (TOP/BOTTOM): White / White
OWNER: Chicago Police Department
POSSESSOR/USER: GAFFNEY, THOMAS

PHONE#: 312 - 747 - 8730

LOCATION FOUND: 4102 S PULASKI RD

LICENSE: Mp6581, Law Enforcement (City, County, State, Sos), IL

PERSONNEL ASSIGNED:

Detective/Investigator .

MARCH, David M

20563

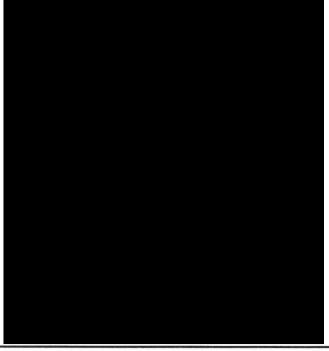
Reporting Officer

FONTAINE, Dora

4484

BEAT: 0841R

WITNESS(ES):



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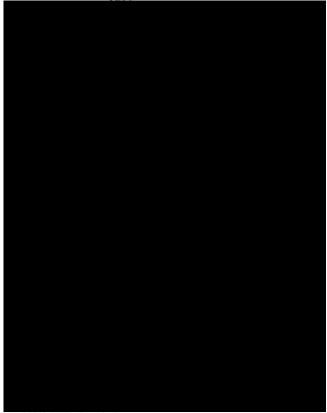
MONDRAGON, Janet

Female / White Hispanic / 37 Years

EMPLOYMENT: Chicago Police Officer #4364

BUS: 3420 W 63rd St

Chicago IL 312-747-



VELEZ, Leticia

Female / White Hispanic / 43 Years

EMPLOYMENT: Chicago Police Officer #10385

BUS: 3420 W 63rd St

Chicago IL 312-747-8730

BACERRA, Arturo

Male / White Hispanic / 32 Years

EMPLOYMENT: Chicago Police Officer #15790

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FONTAINE, Dora

Female / White Hispanic / 47 Years

EMPLOYMENT: Chicago Police Officer #4484

BUS: 3420 W 63rd St

Chicago IL 312-747-



SEBASTIAN, Daphne L

Female / White / 45 Years

EMPLOYMENT: Chicago Police Officer #2763

BUS: 3420 W 63rd St

Chicago IL 312-747-8730



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Page:

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VIRAMONTES, Ricardo

Male / White Hispanic / 41 Years

EMPLOYMENT: Chicago Police Officer #10590

BUS: 3420 W 63rd St

Chicago IL 312-747-8730

OTHER INDIVIDUALS INVOLVED:

BARILLAS, Rudy C

(Additional Victim)

Male / White Hispanic / 43 Years

DOB:

RES:

EMPLOYMENT: Self-Employed Truck Driver

OTHER COMMUNICATIONS:

Cellular

Phone:



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HX475653

(Offender)

ved

CRIME CODE SUMMARY:

0552 - Assault - Aggravated Po:Knife/Cut Instr

IUCR ASSOCIATIONS:

0552 - Assault - Aggravated Po:Knife/Cut Instr

GAFFNEY, Thomas, J (Victim) MCDONALD, Laquan, J

MCELLIGOTT, Joseph, P (Victim)

MCDONALD, Laquan, J (Offender)

VAN DYKE, Jason, D (Victim)

MCDONALD, Laquan, J (Offender)

WALSH, Joseph, J (Victim)

MCDONALD, Laquan, J (Offender)

INCIDENT NOTIFICATION:

NOTIFICATION DATE & TIME: 10/20/2014:230700

REQUEST TYPE: Notification

PERSON NAME: ,Sarlo

STAR #: 13131

INCIDENT NOTIFICATION: NOTIFICATION DATE & TIME: 10/20/2014:231400

REQUEST TYPE: Notification

PERSON NAME: ,Jines

STAR #: 4898

INCIDENT NOTIFICATION:

NOTIFICATION DATE & TIME: 10/20/2014:215000

REQUEST TYPE: On Scene

PERSON NAME: ,March

STAR #: 20563

INCIDENT NOTIFICATION:

NOTIFICATION DATE & TIME: 10/21/2014:225800

PERSON NAME:, Chibe

STAR #: 7303

INCIDENT NOTIFICATION:

NOTIFICATION DATE & TIME: 10/20/2014:235000

REQUEST TYPE: Notification

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PERSON NAME: ,Briggs

EMP#: 76

REPORT DISTRIBUTIONS:

No Distribution

INVESTIGATION:

AREA CENTRAL FIELD INVESTIGATION:

Progress - Scene Report.

TYPE OF INCIDENT:

ASSAULT / Aggravated of a Police Officer - Knife IUCR - 0552.

RECORDS DIVISION NUMBER:

HX475653.

EVENT NUMBER:

1429315878.

DATE AND TIME:

Mon, 20 Oct 2014, 21:57 hours.

LOCATION:

4112 S Pulaski Rd, on the street - Beat 815.

WEATHER AND LIGHTING:

Cloudy and cool, temperature in the 50s. Dark with good artificial light provided by overhead streetlights, all on and functioning normally. Additional artificial light provided by lighting of nearby businesses.

DATE AND TIME ASSIGNED:

Mon, 20 Oct 2014, 22:00 hours, by Sgt D GALLAGHER #1303.

VICTIMS:

VAN DYKE, Jason D, CPD - PO, #9465, M / W / 36,

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Assigned to 008th District,
3420 W 63rd St,
312-747-8730,
On duty,
Beat 845R,
In uniform Light blue long sleeve shirt with shoulder patches,
Black body armor vest with patches,
Navy blue cargo pants,
Equipment belt with handgun and radio,
Marked vehicle CPD vehicle # 6412,
Chevrolet Tahoe, four door SUV,
Illinois license plate # M172910.

WALSH, Joseph J, CPD - PO, #12865 M/W/45, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, On duty, Beat 845R. In uniform -Light blue long sleeve shirt with shoulder patches, Black body armor vest with patches, Navy blue cargo pants, Equipment belt with handgun and radio, Marked vehicle -CPD vehicle # 6412, Chevrolet Tahoe, four door SUV, Illinois license plate # M172910.

CPD - PO, #19958,
M / W / 41,
Assigned to 008th District,
3420 W 63rd St,
312-747-8730,
On duty,
Beat 815R,
In uniform Uniform baseball style cap with embroidered patch,
Light blue long sleeve shirt with shoulder patches,
Black body armor vest with patches,
Navy blue cargo pants,
Equipment belt with handgun and radio,
Marked vehicle CPD vehicle # 8489.

GAFFNEY, Thomas J,

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Chevrolet Tahoe, four door SUV, Illinois license plate # MP6581.

MCELLIGOTT, Joseph P, CPD - PO, #18715, M/W/36, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, On duty, Beat 815R, In uniform -Light blue long sleeve shirt with shoulder patches, Black body armor vest with patches,

Navy blue cargo pants,

Equipment belt with handgun and radio,

Marked vehicle -

CPD vehicle #8489,

Chevrolet Tahoe, four door SUV, Illinois license plate # MP6581.

ADDITIONAL VICTIMS:

ASSAULT / Aggravated - Knife IUCR - 0520.

BARILLAS, Rudy C, M/WH/43, Self-employed truck driver, Gang - None, FBI# 578442XA2, IR# 1115023.

INJURIES:

No injuries to any victims.

OFFENDERS:

Deceased -----MCDONALD, Laquan J, Nickname - "Bon-Bon," M/B/17,

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Gang - New Breeds per CPD records,

6'02",

180 lbs,

Slender build,

Black hair in dreadlocks,

Brown eyes,

Medium complexion,

IR# 2106340.

CLOTHING:

Inventory # 13296470 (Unit 277)

- 1 Black hooded sweatshirt,
- 1 Black sweatshirt,
- 1 Pair blue jean pants,
- 1 Pair black boxer shorts underwear,
- 1 Pair black socks,
- 1 Pair black gym shoes.

Recovered at the Office of the Medical Examiner

by Crime Lab Beat 5809.

To ERPS - No analysis needed at this time.

IDENTIFIED BY:

State of Illinois ID Card on Laquan MCDONALD's person.

FAMILY NOTIFICATION:



Uncle of Laquan MCDONALD.

INJURIES:

Fatal

- 1 GSW to left neck, lodged,
- 1 GSW, T & T, entrance left chest, exit rear left shoulder,
- 1 GSW to right chest, lodged,
- 1 GSW, T & T, entrance outer rear left elbow,

exit inner front left elbow,

1 - GSW, T & T, entrance rear upper right arm,

exit front upper right arm,

1 - GSW, T & T, entrance back of left wrist,

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exit front of left forearm,

1 - GSW, T & T, entrance front of right hip, exit inner right thigh,

1 - GSW, T & T, entrance rear upper left shoulder,

exit left shoulder blade.

1 - GSW, T & T, entrance outer rear left elbow, exit inner rear left elbow,

1 - GSW, T & T, entrance rear right shoulder, exit upper right back,

1 - GSW to back of right arm, just below elbow, lodged,

1 - GSW to back of right wrist, lodged,

1 - GSW to back of right hand, lodged,

1 - GSW to right buttocks, lodged,

1 - GSW to back of right thigh, lodged,

1 - GSW, graze wound to left side top of head.

TAKEN TO:

Mount Sinai Hospital by CFD Ambulance 21.

PRONOUNCED BY:

Dr PITZELE, at Mount Sinai Hospital, Mon, 20 Oct 2014, at 22:42 hours.

MEDICAL EXAMINER CASE NUMBER:

2014 - 01071.

WEAPONS:

Offender, MCDONALD, Laquan J ----Inventory # 13296495 (Unit 277)
1 - Folding knife,
7" overall, 3" blade (Marker C).
Recovered from the street at 4112 S Pulaski Rd,
by Crime Lab Beat 5802. Blade locked open when recovered.
Request for analysis by Latent Prints Section.

Victim, VAN DYKE, Jason D (PO) -----Inventory # 13296449 (Unit 277)

1 - Smith and Wesson, Model 5942, 9 mm caliber, semi-automatic pistol, stainless steel, 4" barrel, serial # TDU5969,

1 - 9 mm caliber cartridge from firing chamber,

14 - 9 mm caliber cartridges from magazine,

2 - Fifteen round magazines.

Recovered in the Bureau of Detectives - Area Central office by ET Beat 5824.

IL FOID card #

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expiration 01 May 2019, Chicago registration # 628361. Request for analysis by Firearms Section.

VEHICLES:

CPD vehicle damaged by Laquan MCDONALD CPD vehicle # 8489,
Beat 815R,
Marked vehicle,
2010 Chevrolet Tahoe, four door SUV, white / white,
VIN - 1GNMCAE0XAR263348,
IL license plate # MP6581.
Right front tire flat after MCDONALD stabbed the tire with a knife,
damage to right side of windshield from knife.

MANNER / MOTIVE:

Laquan MCDONALD was shot and killed by Chicago Police Officer Jason VAN DYKE while MCDONALD was committing an aggravated assault with a knife against Officer VAN DYKE and his partner, Chicago Police Officer Joseph WALSH.

MCDONALD also committed an aggravated assault with a knife against Chicago Police Officers Thomas GAFFNEY and Joseph MCELLIGOTT, when MCDONALD stabbed the right front tire and windshield of their police vehicle, and an aggravated assault with a knife against civilian, Rudy BARILLAS, immediately prior to being confronted by Officers VAN DYKE and WALSH. / Peace officer interceding in a felony, in the line of duty-Defense of life (Offender apparently attempting to defeat arrest).

REFERENCE NUMBERS:

U # 2014 - 36.

Log # 1072125.

RD# HX486155 HOMICIDE / Justifiable Homicide IUCR - 0150.

PROPERTY TAKEN:

None.

EVIDENCE:

Video of scene taken by Crime Lab Beat 5802.

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Photographs of scene taken by Crime Lab Beat 5802.

Photographs of victim police officers taken by ET Beat 5824.

See Weapons and Clothing categories above.

Inventory # 13296485 (Unit 277) 14 - 9 mm caliber cartridge cases (Markers 1 & 4 - 16). Recovered from the street at 4112 S Pulaski Rd by Crime Lab Beat 5802. Request for analysis by Firearms Section.

Inventory # 13296489 (Unit 277) 2 - 9 mm caliber cartridge cases (Markers 2 & 3). Recovered from the street at 4112 S Pulaski Rd by Crime Lab Beat 5802. Request for analysis by Firearms Section.

Inventory # 13296500 (Unit 277)

1 - Swab box containing two swabs of suspect red blood stains (Marker B).

Recovered from the street at 4112 S Pulaski Rd

by Crime Lab Beat 5802.

To ERPS - No analysis needed at this time.

Inventory # 13296511 (Unit 277) 5 - Metal fragments (Markers A, D, E, F & G). Recovered from the street at 4112 S Pulaski Rd by Crime Lab Beat 5802. Request for analysis by Firearms Section.

Inventory # 13296523 (Unit 277)

1 - Firestone Firehawk tire with damage, attached to rim. Recovered from CPD vehicle # 8489 (Beat 815R), at 4102 S Pulaski Rd, by Crime Lab Beat 5802.

To ERPS - No analysis needed at this time.

Inventory # 13296528 (Unit 277) 4 - Ridge impression lifts. Recovered from the right front quarter panel of CPD vehicle # 8489 (Beat 815R), by Crime Lab Beat 5802. To ERPS - No analysis needed at this time.

Inventory # 13296534 (Unit 277)

1 - Envelope containing metal fragments,
recovered from the sweater of Laquan MCDONALD,
by Crime Lab Beat 5802,

3 - Metal fragments in a container,
recovered from Laquan MCDONALD at Mount Sinai Hospital,

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given to Det W JOHNSON #20169, by RN Allan GAYAN, turned over to Crime Lab Beat 5802, at Mount Sinai Hospital.

Reguest for analysis by Firearms Section.

Inventory # 13296451 (Unit 277)

1 - Set of elimination prints, including palms, from PO J MCELLIGOTT #18715.

Taken by ET Beat 5824.

To ERPS - No analysis needed at this time.

Inventory # 13296452 (Unit 277)

1 - Set of elimination prints, including palms, from PO T GAFFNEY #19958.

Taken by ET Beat 5824.

To ERPS - No analysis needed at this time.

Inventory # 13296464 (Unit 277)

1 - Sealed ME blood card.

Recovered at the Office of the Medical Examiner by Crime Lab Beat 5809.

To ERPS - No analysis needed at this time.

Inventory # 13296668 (Unit 277)

1 - Sealed ME bullet envelope.

Recovered at the Office of the Medical Examiner by Crime Lab Beat 5809.

Request for analysis by Firearms Section.

Inventory # 13337048 (Unit 610) 1 - CD containing compilation of video. Created by Det R HAGEN #20606.

Inventory # 13337053 (Unit 610)
1 - CD containing video from the Greater Chicago Food Depository, 4100 W Ann Lurie PI.
Recovered by Det J MALIK #20729.

Inventory # 13337056 (Unit 610)

- 1 CD containing video from in-car camera, Beat 845R,
- 1 CD containing video from in-car camera, Beat 813R.

Inventory # 13337060 (Unit 610)
1 - CD containing video from Dunkin' Donuts, 4113 S Pulaski Rd.
Recovered by Det R HAGEN #20606.

Inventory # 13337065 (Unit 610)
1 - DVD containing video from Focal Point, 4141 S Pulaski Rd.
Recovered by Det J MALIK #20729.

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Inventory # 13337077 (Unit 610)

1 - CD containing OEMC audio recording of call to 9-1-1,

1 - CD containing OEMC audio recording of CPD radio zone 6 transmissions.

Inventory # 13337080 (Unit 610)

1 - CD containing photos from ME autopsy.

Inventory # 13337087 (Unit 610)

1 - State of Illinois ID card, Lequan J MCDONALD,

1 - RTA ADA Paratransit & Reduced Fare Card,

Earnest THOMAS,

1 - Ventra, CTA ticket,

1 - Receipt for above Ventra, CTA ticket.

Recovered from Laguan MCDONALD at Mount Sinai Hospital.

Inventory # 13394378 (Unit 610)

1 - Disk containing video from in-car camera, Beat 815R (No relevant footage).

Inventory # 13394389 (Unit 610)

3 - DVDs containing video from Burger King restaurant at 4060 S Pulaski Rd (No relevant footage).

Inventory # 13394394 (Unit 610)

1 - DVD containing video from in-car camera, CPD vehicle # 9049 (No relevant footage).

Inventory # 13394398 (Unit 610)

1 - CPD Officer Safety Alert, # 2012-OSA-297.

PERSONNEL ASSIGNED:

Car 41 (Bureau of Patrol - Area Central / OCIC) D/C D MCNAUGHTON #120

Beat 800

Cmdr J O'DONNELL #13

Beat 800X

Capt D WALSH #107

Beat 810R

Sat S FRANKO #1381

Beat 830R

Sat P MCGLYNN #1734

Beat 841R (Original report)

PO D FONTAINE #12698

PO R VIRAMONTES #10590

Beat 821R (Scene)

PO P KENNING #8302

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PORROSALES #9654

Beat 823R (Scene)

PO D IVANKOVICH #12392

PO J TORRES #19898

Beat 833R (Scene)

PO A VANCE #11830

PO J GEISBUSH #16422

Beat 851R (Scene)

PO L GARCIA #6490

PO E FLAGG #12037

Beat 825R (Scene)

PO M POWER #8661

PO D WAHRER #13454

Beat 842 (Mt Sinai Hospital)

PO T DZIADKOWIEC #15529

PO C GACEK #17853

Beat 846R (Mt Sinai Hospital)

PO L TORRES #10573

PO M VEGA #8526

Beat 9210 (In-car camera system) Sgt L BECVAR #1748

Beat 5880

Sgt D FRIEL #819

Beat 5802 (Scene)

FI C BRASIC #10201

ET K JUDEH #8825

Beat 5824 (Area Central)

ET P RIDER #9977

Beat 5809 (ME)

FI V RIVERA #11520

Beat 5885 (MIRV)

Det M RICKER #20201

Beat 5100

Cmdr E ROY #62

Beat 5105

Lt A WOJCIK #481

Beat 5107

Lt O VALDEZ #529

Beat 5120

Sgt D GALLAGHER #1303

Beat 5121

Det D MARCH #20563

Beat 5122

Det G JONES #21285

Beat 5131

Det J HALLORAN #20453

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Det J MURRAY #21128

Beat 5132

Det F CASALE #21041

Det D HICKEY #20723

Beat 5165B

Det R HAGEN #20606

Det A MANAOIS #20320

Beat 5166A

Det R RANZZONI #20162

Beat 5127

Det V WATHEN #20493

Beat 5193

Det M NESTAD #20505

Det W JOHNSON #20169

Beat 5194

Det A GLAVIANO #21443

Beat 5192

Det T TEAHAN #20462

Beat 5125

Det T CURRAN #20948

Beat 5102D

Det B SVEC #20941

Beat 5142

Det S ESPARZA #20140

Beat 5106B

Det J MALIK #20729

IPRA

Chief of Staff S HIRSCH #3 Supervisor A AMEZAGA #022 Investigator B KILLEN #129 Public Affairs L MERRITT #23

FOP

PO Marlon HARVEY #16468 Kriston KATO Daniel HERBERT (Attorney)

WITNESSES:

SEBASTIAN, Daphne L, CPD - PO, #2763, F / W / 45, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, Beat 813R (Circumstantial witness).

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MONDRAGON, Janet, CPD - PO, #4364, F / WH / 37, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, Beat 813R (Circumstantial witness).

BACERRA, Arturo, CPD - PO, #15790, M / WH / 32, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, Beat 822 (Circumstantial witness).

VELEZ, Leticia, CPD - PO, #10385, F / WH / 43, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, Beat 822 (Circumstantial witness).

FONTAINE, Dora, CPD - PO, #4484 F / WH / 47, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, Beat 841R (Eyewitness).

VIRAMONTES, Ricardo, CPD - PO, #10590, M / WH / 41, Assigned to 008th District, 3420 W 63rd St, 312-747-8730, Beat 841R (Eyewitness).



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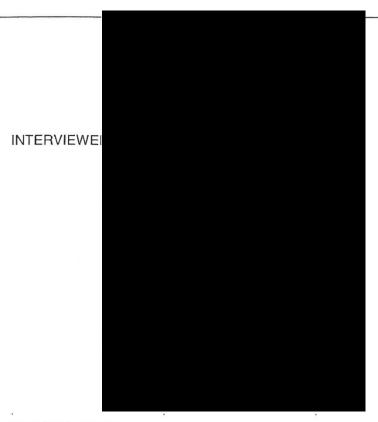
Page: 20 of 22



(Circumstantial witness).

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INVESTIGATION:

The details of this investigation are documented in the following Exceptionally Cleared Closed Report.

REPORT OF:

Detective David M MARCH #20563 Sergeant Daniel GALLAGHER #1303 Lieutenant Anthony WOJCIK #481 Bureau of Detectives - Area Central

Printed on: 18-MAR-2015 13:07 Page: 22 of 22 Printed By: LIPMAN, Matthew ()

CHICAGO POLICE DEPARTMENT ORIGINAL CASE INCIDENT REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653 (For use by Chicago Police Department Personnel Only) 10-11.388(6/03)-C)

Print Generated By: MARCH, DAVID

RD #:

HX486155

EVENT #:

1430116812

Case ID:

9837884 CASR229

This Document is not an official copy. It is a computerized version of data entered from an original case report. A copy of the original case report can be obtained from the Records Division **ASSIGNED TO FIELD** IUCR: 0520 - Assault - Aggravated: Knife/Cutting Instr INCIDENT Occurrence 4101 S Kildare Blvd Beat: 0815 Unit Assigned: 5121 Location: Chicago IL 60632 RO Arrival Date: 20 October 2014 22:15 304 - Street Occurrence Date: 20 October 2014 21:47 VICTIM NON OFFENDER Demographics Name: BARILLAS, Rudy C DOB: Res: Beat: 0824 White Hispanic Age: 43 Years Beat: 5100 Injury Info (BARILLAS, Rudy C - Victim) NJURIES Other Weapon Used Type None Visible Other - Knife Suspect #1 Name: MCDONALD, Laquan J Demographics SUSPEC. Male DOB: Res: Beat: 0722 Black Age: 17 years RELATIONSHIP RELATIONSHIP (Victim) (Offender) BARILLAS, Rudy, C MCDONALD, Laquan,J No Relationship of DOMESTIC INFO RD #: HX486155 **EXHIBIT**

Page 1 of 2

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20-DEC-2014 00:42

ADDITIONAL VICTIMS: IUCR 0552

GAFFNEY, Thomas J, CPD PO, #19958, M/W/41.

VAN DYKE, Jason D CPD PO, #9465, M/W/36.

WALSH, Joseph J, CPD PO, #12865, M/W/45.

INVESTIGATION:

NARRATIVE

The offender in this incident, Laquan MCDONALD, committed an aggravated assault against the victim, Rudy BARILLAS, by attempting to cut BARILLAS with a knife. BARILLAS called 9-1-1. Chicago Police Officers Thomas GAFFNEY, Jason VAN DYKE and Joseph WALSH responded to BARILLAS' call. MCDONALD committed aggravated assaults against the three officers, finally forcing Officer VAN DYKE, in defense of his life, to shoot and kill MCDONALD. Details of this investigation are reported under the HOMICIDE / Justifiable, recorded under Records Division number HX475653.

		Star No	Emp No	Name	User	Date	Unit	Beat
NE	Approving Supervisor	1303		GALLAGHER, Daniel, A		29 Oct 2014 22:06	610	
ERSONNEL	Detective/Investigator	20563		MARCH, David, M) 29 Oct 2014 22:07	610	
E d	Reporting Officer	20563		MARCH, David, M	2010-00) 29 Oct 2014 21:05	610	5121

Print Generated By: MARCH, DAVID

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20-DEC-2014 00:42



GENERAL PROGRESS REPORT SECTIVE DIVISION/CHICAGO POLICE	DATE OF ORIGINASE REPORT	DATE OF THIS REPORT
DEFENSE CLASSIFICATION—LAST PREVIOUS REPORT VICTIM'S NAME AS AH	QWN ON CASE REPORT	BEAT/UNIT ASSIGNED
This form is designed for recording handwritten notes and memorand cluding: inter-watch memoranda (handwritten or typewritten), witnes any handwritten personal notes made by detectives during the field is official Department case reports.	da which are made during the conduct	of investigations, in-
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ERAL PROGRESS REPORT L. ECTIVE DIVISION/CHICAGO POLICE		DATE OF ORIGINASE REPORT	DATE OF THIS REPORT
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This form is designed for recording handwritt cluding: inter-watch memoranda (handwritte any handwritten personal notes made by det official Department case reports.	iten notes and memoranda whi n or typewritten), witness and	ich are made during the conductions suspect interview notes, on-sce	ct of investigations, in-
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D-23.122 (Rev. 2/83)	l/-)	

TNERAL PROGRESS REPORT TECTIVE DIVISION/CHICAGO POLICE		THIS REPORT
OFFENSE CLASSIFICATION—LAST PREVIOUS REPORT VICTIM'S NA	AME AS SHOWN ON CASE REPORT BEAT/UN	TASSIGNED
This form is designed for recording handwritten notes and recluding: inter-watch memoranda (handwritten or typewritte any handwritten personal notes made by detectives during tofficial Department case reports.	en), witness and suspect interview notes, on-scene canvas n the field investigation of violent crimes which are used to	otes, and
J VAN BYKE	(610)	
SAME DETAILS		
ADDED:		
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O ATTACKED BY	KNIFE ISR-SLADIFED TIRE	
AWARE OF - 21' RULE		
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ILLINOIS STATE POLICE Division of Forensic Services*Forensic Services Command*FSC-1SP Case #

Form # 54818.E Status APPROVED

Evidence Submission Form for Chicago Police Department

Case I	nformation				Submi
Offens	nt RD HX475653 Date of Offens e 0150 HOMICIDE JUSTIFIA is 4112 S PULASKI RD CHI	ABLE HOMI	CIDE	15	St Work F
Involv	ed People				Pager
	Name	IR No	SID No	FBI No	В
Suspec	MCDONALD, LEQUAN J	2106340			Evider
Victim	PO. GAFFNEY #19958, THOMAS J				Name Star No
Victim	PO. VAN DYKE #9465, JASON D				4-40
Victim	PO. WALSH #12865, JOSEPH J				

Submitting	Detective
Name	MARCH, DAVID M
Star No	20563 CPD Unit No 610
Work Hours	16:00 - 01:00
Pager / Cell	
Bell No	312-747-8380 Pax No 1115
Email	david.march@chicagopolice.org
Evidence Co	pordinator
Name DOC	CHERTY, ANN M
Star No 209	18 EC Review Date 03-NOV-2014
421 Tour-10	

Inventories						
Inventory F	Package No.	Property Type	Qty	Description	Location	Lab Sections
13296449 38	835538	FIREARM ·	1	SMITH & WESSON MOD.#5943 SER. ####################################	177	FA
		BULLET / AMMO MAGAZINE		WIN 9MM LUGER+P BULLET CARTRIDGES 15 SHOT CAPACITY BULLET MAGAZINES		
13296485 38	335606	EXPENDED SHELL	14	WIN 9MM LUGER + P FIRED CARTRIDGE CASES (MARKERS #1,& #4 THROUGH #16) RECOVERED FROM THE STREET	177	FA
13296489 38	35608	EXPENDED SHELL	2	WIN 9MM LUGER + P FIRED CARTRIDGE CASES (MARKERS #2 & #3) RECOVERED FROM THE STREET	177	FA
13296495 38		KNIVES / KNIFE HANDLE / KNIFE BLADE	1		167	LP/ISP
13296511 38	35629	OTHER		METAL FRAGMENT (MARKER #A) RECOVERED FROM THE STREET	177	FA
		OTHER	1	METAL FRAGMENT (MARKER #D) RECOVERED FROM THE STREET		
		OTHER		METAL FRAGMENT (MARKER #E) RECOVERED FROM THE STREET	31-6989	EXHIBIT
		OTHER		METAL FRAGMENT (MARKER #F) RECOVERED FROM THE STREET	PENGAD 800-631-6989	11
		OTHER		METAL FRAGMENT (MARKER #G) RECOVERED FROM THE STREET	PENG	016
3296534 383	35657	OTHER	1	ENVELOPE CONTAINING METAL FRAGMENTS RECOVERED FROM THE OFFENDERS SWEATER	167	FA
		OTHER	3	METAL FRAGMENTS RECEIVED IN A CONTAINER FROM DET JOHNSON #20169		
3296668 383	35793 1	FIRED BULLET	10 5	SEALED ME BULLET ENVELOPE	177 F	A

Detective's Comments

This case was the subject of a Major Case Review on 30 October 2014. This request is submitted per the results of this review.

The offender, Lequan MCDONALD, assaulted the three victim Chicago Police Officers with a knife, and was shot and killed by victim Police Officer Jason VAN DYKE. MCDONALD's knife and Officer VAN DYKE's weapon were recovered and inventoried. It is requested that Officer VAN DYKE's weapon be examined and compared to the firearms evidence recovered from the scene, and from the offender, MCDONALD, both at Mount Sinai Hospital and at the Office of the Medical Examiner. It is requested that MCDONALD's knife be examined for latent fingerprints, and if any are found, that they be compared to the fingerprints of MCDONALD.

Evidence Coordinator's Comments

PER MCR

ISP Case #

ILLINOIS STATE POLICE

Division of Forensic Services*Forensic Services Command*FSC-

Form # 54818.F Status APPROVED

Evidence Submission Form for Chicago Police Department

Offens	nt RD HX475653 Date of Offens se 0150 HOMICIDE JUSTIFIA ss 4112 S PULASKI RD CHI	ABLE HOME	CIDE	15
Involv	ed People			
	Name	IR No	SID No	FBI
Suspec	MCDONALD, LEQUAN J	2106340		
Victim	PO. GAFFNEY #19958, THOMAS J			
Victim	PO. VAN DYKE #9465, JASON D			
Victim	PO. WALSH #12865, JOSEPH J			

Submitting	Detective
Name	MARCH, DAVID M
Star No	20563 CPD Unit No 610
Work Hours	16:00 - 01:00
Pager / Cell	
Bell No	312-747-8380 Pax No 1115
Email	david.march@chicagopolice.org
vidence C	oordinator
Name DO	CHERTY, ANN M
Star No 209	18 EC Review Date 03-NOV-2014

Inventories						
Inventory No.	Package No.	Property Type	Qty	Description	Location	Lab Sections
13296449	3835538	FIREARM BULLET/AMMO MAGAZINE		SMITH & WESSON MOD.#5943 SER. ####################################	177	FA ·
13296485	3835606	EXPENDED SHELL	14	WIN 9MM LUGER + P FIRED CARTRIDGE CASES (MARKERS #1,& #4 THROUGH #16) RECOVERED FROM THE STREET	177	FA
13296489	3835608	EXPENDED SHELL	2	WIN 9MM LUGER + P FIRED CARTRIDGE CASES (MARKERS #2 & #3) RECOVERED FROM THE STREET	177	FA
13296495	3835615	KNIVES / KNIFE HANDLE / KNIFE BLADE	1		167	LP/ISP
13296511	3835629	OTHER OTHER OTHER	1 1	METAL FRAGMENT (MARKER #A) RECOVERED FROM THE STREET METAL FRAGMENT (MARKER #D) RECOVERED FROM THE STREET METAL FRAGMENT (MARKER #E) RECOVERED FROM THE STREET METAL FRAGMENT (MARKER #F) RECOVERED FROM THE STREET	1777	EXHIBITAL 12
		OTHER		METAL FRAGMENT (MARKER #G) RECOVERED FROM THE STREET	PENGAD	OIG
13296534	3835657	OTHER	1	ENVELOPE CONTAINING METAL FRAGMENTS RECOVERED FROM THE OFFENDERS SWEATER	167	-A
			3	METAL FRAGMENTS RECEIVED IN A CONTAINER FROM DET JOHNSON #20169		
3296668	3835793	FIRED BULLET	10	SEALED ME BULLET ENVELOPE	177 F	A

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Evidence Coordinator's Comments

PER MCR

CHICAGO POLICE DEPARTMENT

Major Incident Notification Detail
CPD - 11, 805 (10/04) - C

CONFID

Area: Reporting Unit: Incident No; Deployment Level:

On Duty

On Duty

610 73204 UNK

Crime/Incident
RD Number
Dist of Occurrence

Notification Date: 21-OCT-2014 04:05

Aggravated Po:Knife/Cut

Date and Time: 20-OCT-2014 21:56

Instr

Area: 1 **District:** 008 **Beat:** 0815

Updated Date: 21-OCT-2014 05:17

Reason For Update:

RD No: HX475653

No of Victims: 3 No of Offenders:1

Victim #1:

Location:

Star #:19958 Emp #:

GAFFNEY, THOMAS J Male/White/41 Years

4000 S KARLOV AVE

CHICAGO IL 60632

303 - SIDEWALK

6'00", 195 lbs

Date of Appointment: 08-JUL-96

Victim #2: Star #:12865 Emp #:

WALSH, JOSEPH J Male/White/46 Years 6'00", 190 lbs

Date of Appointment: 29-JUN-98

Victim #3: Star #:9465 Emp #:

VAN DYKE, JASON D Male/White/36 Years 6'02", 180 lbs

Date of Appointment: 25-JUN-01

Offender #1: MC DONALD, LAQUAN

Male/Black/17 Years

IR No: 2106340

Gang Affiliation: New Breed

Buy Bust Requested: NO

ested: NO

nted By:

GARY, KELLEE

Page 1 of 2

EXHIBIT

13

Printed On: 28-FEB-2015 00:12

powered by: CLEAR Technology

Wojcik, Anthony T. <anthony.wojcik@chicagopolice.org> Friday, March 13, 2015 5:30 PM From:

Sent:

March; David M. To: Subject: Arrest Info

Arrest History Johnson.doc Attachments:



Twenty-Six (26) total arrests with various charges lodged prior to this incident – including Aggravated Battery to Peace Officer, Battery, Assault, Reckless Conduct, Possession of Controlled Substance and Possession Cannabis, with some offenses having occurred during instruction on school grounds, while in state detention/custody, and during courtroom proceedings. During twelve (12) of the arrest incidents McDonald attempted to defeat arrest by fleeing on foot and/or actively physically resisting.

From:

Wojcik, Anthony T. <anthony.wojcik@chicagopolice.org> Sunday, March 15, 2015 5:33 PM

Sent:

To:

March; David M.

Subject:

Conclusion

Attachments:

Conclusion.doc



The above to-date investigation determined that Jaquan McDONALD was an active assailant who, while armed with a dangerous weapon, used force likely to cause death or serious injury to a private citizen when he attacked and attempted to stab Rudy BARILLAS; threatened the imminent use of force likely to cause death or serious injury when he incised the tire and stabbed the windshield of a CPD vehicle occupied by Officer Thomas GAFFNEY; and initiated imminent use force likely to cause death or serious injury when he initiated an attack on Officers Jason VAN DYKE and Joseph WALSH. The above investigation concluded that Officer Jason VAN DYKE's use of deadly force—the discharging of his duty firearm—was within the bounds of the Chicago Police Department's Use of Force guidelines and in conformity with local ordinances and state law.

Based on the above the associated UCR Report RD-HX-486155 is considered Closed/Non-Criminal.

CHICAGO POLICE DEPARTMENT ORIGINAL CASE INCIDENT REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653 (For use by Chicago Police Department Personnel Only) CPD-11.388(6/03)-C)

RD #:

HX475653

EVENT #:

1429315878

Case ID:

9625613 CASR229

ASSIGNED TO FIELD

IUCR:

ENT

INCI

ION OFFENDER

0552 - Assault - Aggravated Po:Knife/Cut Instr

20 October 2014 21:56

Occurrence 4000 S Karlov Ave

Location:

Chicago IL

304 - Street

Beat: 0815

Unit Assigned: 0841R

RO Arrival Date: 20 October 2014 21:57

Offenders: 1

Occurrence Date: VICTIM - Individual

Name: PO. GAFFNEY #19958,

Thomas

Res:

3420 W 63rd St

Chicago IL.

Beat: 0823

Beat: 5100

Sobriety: Sober

VICTIM - Individual

Name: PO. VAN DYKE #12865,

Jason

Res: 3420 W 63rd St

Chicago IL

Beat: 0823

Beat: 5100

Sobriety: Sober

VICTIM - Individual

Name: PO. WALSH #12865,

Joseph

3420 W 63rd St Res:

Chicago IL

Beat: 0823

Beat: 5100

Sobriety: Sober

Demographics

Male

Age:

41 Years

Age:

36 Years

Late Control Park Demographics

Age:

45 Years

Injury Info (PO. VAN DYKE #12865, Jason - Victim)

Suspect #1

Name: MCDONALD, Lequan J

rint Generated By: MARCH, DAVID

Res:

INJURIES

BUSPECTS



Demographics

Black

6'01,

Male 185 lbs Brown Eyes DOB: Age:

25 September 1997 17 years

Birth Place: IL

Suspected of Using: Weapon

In Custody

Brown Hair

Dreadlocks Hair Style Dark Complexion

Page 1 of 4

22-OCT-2014 21:55

por services C.L. E.M. M. Meschin category

RD #: HX475653

Chicago Police Department - Incident Report

RELATIONSHIP

VEHICLE

RD#: HX475653

Injury Info Pronounced Date: 20 October 2014 22:42 Injury Extent: Fatal Removed By: Ambulance 21 **CFD First Aid** Yes Given? 20-OCT-14 Removed Date: Ambulance 21 Hospital: Mt. Sinai Responding SUSPEC Unit: Physician: Dr. Pitzel Weapon Used Type Handgun Gun Shot Wound

RELATIONSHIP (Offender) (Victim) MCDONALD, Lequan,J PO. GAFFNEY #19958, Thomas No Relationship of is a (Offender) (Victim) MCDONALD, Lequan,J PO. VAN DYKE #12865, Jason No Relationship of is a (Offender) (Victim) MCDONALD, Lequan,J PO. WALSH #12865, Joseph is a No Relationship of

DOMESTIC INFO Vehicle #1

Yes Owner: Vehicle: Chevrolet - Tahoe - Truck Damaged?

City Of Chicago PO. GAFFNEY Possessor/User: Tire(S)-Flat,

Scratched

Damaged Descr: Style: Hardtop, 4-Door #19958, THOMAS Front Windshield

Towed? No Color-Top/Bottom: White/White Theft From? No

Burned? No

License Plate #: Mp6581 - Illinois - Law Destroyed? No Enforcement (City,

County, State, Sos) Expires: No 01-December-2014 Recovered?

No Stolen?

Vehicle Identifiers: Police Squad Car

Chicago Police Department - Incident Report

Ch	icago Police Depart	RD #:	HX475653					
	Request Type Uni t		Agency Name	Date	Star #		Name	
0	Notification	177	Forensic Services Division	20 October 2014 23:07	13131		,SARLO	
	Request Type			Date	Star #		Name	
NOTIFICATIONS	Notification			20 October 2014 23:14	4898		,JINES	
	Request Type	Uni t	Agency Name	Date	Star #		Name	
	On Scene	610	Detective Area - Central	20 October 2014 21:50	20563		,MARCH	
	Request Type	Uni t	Agency Name	Date	Star #		Name	
	Notification	116	Deployment Operations Center	21 October 2014 22:58	7303		,CHIBE	
	Request Type			Date		Empl #	Name	
	Notification			20 October 2014 23:50		76	,BRIGGS	

EVENT# 15878 REFER TO DETECTIVE DIVISION SUPPLEMENTARY REPORT. NOTIFICATION: WATCH COMMANDER OF UNIT LT. KOCH Beat#: Star#: 715 Emp#: Date: 20-OCT-2014 Time: 2250 NOT NOTIFICATION: STATION SUPERVISOR COMISKEY Beat#: Star#: 1774 Emp#: Date: 21-OCT-2014 Time: 2250 NOT NOTIFICATION: SERGEANT STEPHEN FRANKO Beat#: 0810R Star#: 1381 Emp#: Date: 21-OCT-2014 Time: 2158 ONS ASSISTING OFFICER - STAR#: 10590 NAME: RICARDO VIRAMONTES BEAT: 0841R REPORTING OFFICER - STAR#: 19958 NAME: THOMAS GAFFNEY BEAT: 0815R REPORTING OFFICER - STAR#: 18715 NAME: JOSEPH MCELLIGOTT BEAT: 0815R ASSISTING OFFICER - STAR#: 12865 NAME: JOSEPH WALSH BEAT: 0845R ASSISTING OFFICER - STAR#: 9465 NAME: JASON VAN DYKE BEAT: 0845R ASSISTING OFFICER - STAR#: 4364 NAME: JANET MONDRAGON BEAT: 0813R ASSISTING OFFICER - STAR#: 2763 NAME: DAPHNE SEBASTIAN BEAT: 0813R ASSISTING OFFICER - STAR#: 6442 NAME: TERENCE BRADY BEAT: 0811R ASSISTING OFFICER - STAR#: 7025 NAME: MICHAEL BELMONTEZ BEAT: 0811R ASSISTING OFFICER - STAR#: 10385 NAME: LETICIA VELEZ BEAT: 0822 ASSISTING OFFICER - STAR#: 15790 NAME: ARTURO BECERRA BEAT: 0822 ASSISTING OFFICER - STAR#: 9654 NAME: RAUL ROSALES JR BEAT: 0821R ASSISTING OFFICER - STAR#: 8302 NAME: PATRICK KENNING BEAT: 0821R SUPERVISOR ON SCENE - STAR#: 1320 NAME: BRYAN SPREYNE BEAT: 0865 SUPERVISOR ON SCENE - STAR#: 1381 NAME: STEPHEN FRANKO BEAT: 0810R ASSISTING OFFICER - STAR#: 12392 NAME: DAVID IVANKOVICH BEAT: 0823R ASSISTING OFFICER - STAR#: 19898 NAME: JOSE TORRES BEAT: 0823R ASSISTING OFFICER - STAR#: 11830 NAME: ANTHONY VANCE BEAT: 0833R ASSISTING OFFICER - STAR#: 16422 NAME: JAMES GEISBUSH BEAT: 0833R ASSISTING OFFICER - STAR#: 6490 NAME: LUIS GARCIA BEAT: 0851R ASSISTING OFFICER - STAR#: 12037 NAME: ELLIOT FLAGG BEAT: 0851R SUPERVISOR ON SCENE - STAR#: 1734 NAME: PETER MC GLYNN BEAT: 0830R OTHER SUPPORT - STAR#: 20453 NAME: JOHN HALLORAN BEAT: 5131 OTHER SUPPORT - STAR#: 21128 NAME: JOHN MURRAY BEAT: 5131 OTHER SUPPORT - STAR#: 20563 NAME: DAVID MARCH BEAT: 5121 OTHER SUPPORT - STAR#: 21285 NAME: GREGORY JONES BEAT: 5122 OTHER SUPPORT - STAR#: 20606 NAME: RICHARD HAGEN BEAT: 5165 OTHER SUPPORT - STAR#: 529 NAME: OSVALDO VALDEZ BEAT: 5105 OTHER SUPPORT - STAR#: 62 NAME: EUGENE ROY BEAT: 5100 OTHER SUPPORT - STAR#: 10201 NAME: CARL BRASIC BEAT: 5802 OTHER SUPPORT - STAR#: 8825 NAME: KAMAL JUDEH BEAT: 5802 OTHER SUPPORT - STAR#: 819 NAME: DAVID FRIEL BEAT: 5880 OTHER SUPPORT - STAR#: 20201 NAME: MATTHEW RICKHER BEAT: 5885 OTHER SUPPORT - STAR#: 1303 NAME: DANIEL GALLAGHER BEAT: 5120 ASSISTING OFFICER - STAR#: 20555 NAME: ROBERTO GARCIA BEAT: 5122 - STAR#: 120 NAME: DAVID MC NAUGHTON BEAT: 41 - STAR#: 13 NAME: JAMES O DONNELL BEAT: 0800 - STAR#: 107 NAME: DENNIS WALSH BEAT: 0890 - STAR#: 14193 NAME: MAHMOUD HALEEM BEAT: 0865B - STAR#: 13516 NAME: IVAN LOPEZ BEAT: 0865B - STAR#: 10333 NAME: PATRICK KENAH BEAT: 0865C - STAR#: 14393 NAME: ANDRES ZEPEDA BEAT: 0865C - STAR#: 13882 NAME: ROBERT SHULTZ BEAT: 0865C

	Star No	Emp No	Name	User	Date	Unit	Beat
Approving Supervisor	1381		FRANKO, Stephen, D		21 Oct 2014 05:18	800	
Detective/Investigator	20563		MARCH, David, M		21 Oct 2014 15:01	610	
Reporting Officer	4484		FONTAINE, Dora		21 Oct 2014 04:32	800	0841R



rint Generated By: MARCH, DAVID

PERSONNEL

Page 4 of 4

22-OCT-2014 21:55